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ABSTRACT

This study examined the needs of midlife and older divorced women (N=34) whose careers had primarily been as homemakers. The women completed a questionnaire which looked at education, employment, economics, legal services, and psychological and emotional responses to divorce. Both the women and men in the study were highly educated; however, the socio-economic class of the women changed dramatically after divorce, and their incomes were considerably less than half of what they had been during marriage. The levels of dissatisfaction with the legal and judicial systems were high, especially with the terms of the divorce decree and legal representation. Maintenance, property division, and child support were major sources of conflict. The major psychological and emotional factors contributing to the marital break-up were psychological abuse by the ex-husband, and another relationship. Chemical abuse was also an issue. Primary sources of psychological and emotional support were friends and children. The relationship of the children to their father had deteriorated since the divorce in quantity and quality of time and financial support. Major psychological and emotional issues at the time of the divorce were loss of family and traditions, sense of failure, fear, anger, and depression. In general, the women reported feeling finished with the divorce, pleased with their new sense of self and freedom, but fearful about their economic future. (LLL)

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NEEDS ASSESSMENT OF MIDLIFE WOMEN DURING AND AFTER SEPARATION AND DIVORCE

A Plan B Paper Submitted to
The Faculty of the Graduate School of
The University of Minnesota

By
Norma Jean Sims

In Partial Fulfillment of
The Requirements for the Degree of
Master of Arts

December, 1990

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TABLE OF CONTENTS

Page

LIST OF TABLES. v

CHAPTER

1. INTRODUCTION 1

Need for this Study. 1

Trends 1

Courts 2

No-Fault Divorce 3

Women's Socialization and Employment Patterns 5

Economics 6

Public Policy 7

Statement of the Problem 8

Purpose of the Study 10

Organization of Paper. 11

2. LITERATURE REVIEW 13

Background 13

Trends 18

No-Fault Divorce 20

Public Policy 20

Midlife and Older Women 21

Education. 22

Employment 25

Economic 33
Legal. 35
Maintenance 40
Marital Property 45
Divorce Process 48
Retirement and Pension 50
Changing Nature of Divorce 52
Summary 52
Psychological and Emotional. 54
Gender Differences in Sources of Stress 54
Models of Divorce 58
Resources in Divorce 62
Psychological Adjustment Related to Lifestyle and Roles . . . 63
Indicators and Results of Marital Disruption 65
Summary 68
3. METHODOLOGY. 71
Sample 71
Questionnaire Design 75
4. ANALYSIS OF DATA 79
Demographics 79
Education. 82

Employment 84
Economic 91
Legal 95
Psychological and Emotional 103
5. DISCUSSION 114
Summary. 114
Findings 116
Limitations. 120
Conclusions and Implications 122
Recommendations 127
BIBLIOGRAPHY 134
Appendix 138
A. Letter Inviting Participation. 139
B. Questionnaire Packet 140
Cover Letter 141
Questionnaire. 142
Postcard for Future Interviews 154
Follow Up Postcard 155

LIST OF TABLES

Table		Page
1.	Sources of Sample	73
2.	Demographic Distribution	73
3.	Marriage Patterns of Sample	81
4.	Remarriage Data for Women and Men	81
5.	Educational Levels of Women and Men	83
6.	Educational History of Women	85
7.	Attitude Toward Employment	87
8.	Data of Discrimination	87
9.	Employment Status at Separation	88
10.	Occupations of Subjects at Present Time	88
11.	Level of Satisfaction with Employment	90
12.	History of Earnings per Year for Family, Subjects and Ex-Husband	92
13.	Sources of Income Other Than Own Earnings	94
14.	Source of Future Retirement Income	94
15.	Level of Satisfaction/Dissatisfaction with the Divorce Experience	97
16.	Length of Time from Separation to Divorce Decree	99
17.	Costs of Divorce	99

18. Options Exercised Regarding Legal and Other Professional Services 101
19. Major Sources of Conflict 101
20. Contents of Divorce Decree 102
21. Sources of Non-Compliance with Decree . 102
22. Factors Contributing to Marital Breakup 104
23. Comparing Sense of Well Being at Time of Separation and at Present Time . . . 104
24. Sources of Support During Separation and Divorce 106
25. Sources of Support at Present Time . . 107
26. Relationship of Children to Father During Separation and Divorce 107
27. Relationship of Children to Father at Present Time 108
28. Psychological and Emotional Issues During Separation and Divorce 110
29. Psychological and Emotional Issues at Present Time 111

INTRODUCTION

Need for the Study

Trends

Several major trends have come together in the past twenty years to create a new phenomenon in our society for which we have not found good solutions. Those trends are

* the dramatic increase in divorce
* the passage of no-fault divorce laws
* a sexist legal and judicial system
* the women's movement, the changing roles for women, the increased number of women moving into the paid work force, and
* a depressed labor market and age and sex discrimination in the work place.

Those trends have had far reaching social and economic consequences as suggested by the title of Weitzman's book, The Divorce Revolution: The Unexpected Social and Economic Consequences for Women and Children, (1985). This book was an outgrowth of her doctoral dissertation for the Department of Sociology at Stanford University. Her dissertation documented the consequences of no-fault divorce laws, passed in California in 1970, which were the first in the nation. The title of her dissertation was The Economics of Divorce:

Social and Economic Consequences of Property, Alimony and Child Support Awards (1981).

The dramatic increase in divorce in the last 20 years has been a leading cause of the feminization of poverty. Previously, although marriages may have been troubled, the norm was to remain in the marriage. It was an economic partnership in which the husband was the financial provider and the woman contributed in-kind services to the marriage.

According to the Legislative Commission on the Economic Status of Women (LCESW), in 1980 there was one divorce for every 2.5 marriages compared to one for every 3.8 marriages in 1970 . The divorce rate has continued to rise and the ratio of divorced to married women rose from 60 per 1,000 in 1970 to 157 per 1,000 in 1986. Presently, 25 percent of all divorces in Minnesota involve women aged 40 to 65. Further, it is estimated that 60 percent of all women will experience divorce at some time in their lives by the year 2000.

Courts

The trend in the courts has been to award no maintenance or short-term minimal maintenance even in these long-term marriages. Nationwide, only seven percent of women receive maintenance and, since there are no enforcement provisions, to be awarded maintenance does not mean it will be collected. In 1986 only four women in Minnesota were awarded permanent

maintenance according to data from LCESW (1988).

The problem is exacerbated by the longer life expectancy of women. Because life expectancy for women is now 78 years, a woman at the age of 50 can expect to live another 28 years. It is estimated there are 15,000 divorces each year in Minnesota. Therefore, each year 3,750 of the divorces in Minnesota are to women 40 or older (LCESW, 1990).

The courts have considered divorce cases to be a nuisance that clogs up the court calendar preventing more important work, and lawyers have considered family law to have very low status and therefore an undesirable career choice (Shields, 1981). For most women, this is their first experience with the legal and judicial system. They lack the background to be able to act in their own behalf to insure that the legal and judicial systems serve their needs. Their socialization as supporters of their husbands does not equip them for adversarial legal and judicial systems. Many women continue to take care of their husbands' interests rather than their own or are dominated by their husbands during the divorce process.

No-Fault Divorce

No-fault divorce laws which swept the country in the 1970's created a new set of rules for divorce and, although

it was seen as a legal reform, it has had sweeping unexpected economic and social impact on the lives of women and children (Weitzman, 1985). As a result of no-fault legislation, women lost the leverage or power they had under the old fault system (Weitzman, 1985). They cannot prevent the divorce, cannot assess fault, and cannot use that position of fault to secure their future economic security.

When no-fault divorce laws were passed, the assumption was that special consideration would be given to long-term homemakers, but the courts have used their discretionary authority to ignore that provision. Routinely, women with no higher education and no work experience are being given no maintenance or only short-term, rehabilitative maintenance, and "Society has done very little to grant displaced homemakers the kind of assistance given other disadvantaged segments of the population" (Congressional Record, 98th Congress, 1983, p. 1).

The women's movement has affected the court's view of women's roles and is a factor in their unfair decisions. Homemakers are the vulnerable and available population for the backlash against the women's movement. It is ironic because often homemakers have not seen themselves as part of the women's movement and have not identified themselves as feminists. The courts' view has been that if women are now

considering themselves as equals, they should be equal in assuming economic responsibility for themselves. This point of view by the courts has ignored the socialization of women, their lack of preparedness for the job market, their lack of work experience, age discrimination, and a depressed job market in which employees with long work histories are being laid off or in their fifties are taking early retirement. The consequence of these factors for midlife women is all too often poverty and great psychological and emotional stress.

Women's Socialization and Employment Patterns

This is also a population which has been socialized to take care of others and to view taking care of themselves as selfish. Therefore, the skills and permission to act in their own behalf or be politically active has not been present. Their experiences with the legal and judicial systems have conveyed to them a sense of failure and that they have done nothing worthwhile with their lives. As a result, they come out of divorce with even less sense of self, with low self-esteem, and feeling psychologically and emotionally battered (Shields, 1981; Weitzman, 1981-1985). Shaw (1983) comments that these are the women who have been socialized to seek marriage and homemaking as their life goals, and who saw themselves in a supporting role to their husband's career. This was the period of time when the

husband was seen as the provider and head of the family and the woman performed in-kind, unpaid services to the family. It had not been very long since the 1930's when women were routinely laid off when they married and were considered to be depriving a man of a job when they chose to be permanently in the job market. Shaw (1983) says that " ... there were widespread rules against employing married women as teachers and clerical workers throughout the 1930s. A survey of urban school districts in 1941 found that 87 percent did not hire married women. Many companies also had policies of hiring only single women as clerical workers" (p. 2). There were many social sanctions against women choosing a career and economic self-sufficiency for themselves. In marriage, they essentially became two people with one career: his.

A woman's identity came through her relationship to others in her roles as wife, mother and daughter, and much of her own identity was sacrificed or never developed (Belenky, Clinchy, Goldberger and Tarule, 1986). Her needs came last. To be divorced then, after a long-term marriage and in a role of economic dependency, put her at a distinct disadvantage in developing her own identity and in being able to effectively use adversarial legal and judicial systems.

Economics

In divorce, it is very difficult for a long-term

homemaker to successfully re-enter the job market, especially in a time of industry retraction and mergers and acquisitions with their attendant lay-offs and early retirements plans. The result is that with no current relevant job experience and an obsolete education, too often they remain marginally employed with intermittent employment patterns, few benefits and dead-end jobs.

In order to remain in the home, which gives them a sense of security, many women negotiate away their liquid assets and, thus, end up in homes they cannot afford to maintain. Often it is the pension rights that are negotiated away, and these women then face the prospect of continued poverty in their old age.

Since women are eligible for only half of their ex-husband's social security until he dies, that is not an adequate source of income. Many women do not work enough to gain social security benefits that would exceed half those of their ex-husband's (Shields, 1981). The result is both short term and long-term poverty for midlife and older women.

Public Policy

It has been difficult to effect public policy changes regarding the needs of midlife traditional homemakers because of the current mythology that all women can and should be economically self-sufficient and because of the lack of data

to document the results of the courts' present policies. Further, there has been a lack of goodwill and commitment to these women, and their circumstances have been ignored (Weitzman, 1981-1985, Shields, 1981). The sexism of the legal and judicial systems has been especially damaging to them. This is a population without political power and, therefore, they have lacked a voice in the political arena.

Since this is a new social and economic trend, no particular governmental body has responsibility for it. Also, because much of the thrust of the women's movement has been to get women into the job market, valuing the work women have done as homemakers has been out of step with that goal. Consequently there has been resistance to addressing this issue. Without a body of data to indicate the problems and needs, there has been no clear understanding of what needed to be done.

Statement of the Problem

In this descriptive study, the needs of midlife women during and after separation and divorce are addressed. The dramatic increase of divorce in the past 20 years, the enactment of no fault divorce laws, and the changing roles of women have created a major social trend which has not been

adequately addressed in public policy and research.

This needs assessment is a preliminary step in gathering data to document this social trend. Areas that need to be studied are education, employment, economics, legal, and psychological and emotional issues.

Comprehensive studies and discussions that have demonstrated the problems of women in divorce in general, or specifically about midlife and older women, include Shields (1981), Weitzman (1981-1985), Shaw (1983), the U. S. House of Representatives' Commission on Aging, 96th Congress (1978), and the Minnesota Judicial Task Force on Gender Fairness in the Courts (1989).

The focus of this investigation is midlife traditional homemakers in Minnesota aged 40 to 65 years of age who, after long-term marriages, find themselves going through divorce with its many attendant stresses and changes. This particular population of women has a unique set of problems including, but not limited to, the following:

* Their identity has been as homemakers and as a support to or in relation to another person, their husband, who is no longer present.
* Their children are grown and they are no longer needed in a physical mothering capacity.
* The rules of marriage and divorce have changed since

they married.

* They have not developed their own careers, are not able to reenter the labor market or have great difficulty in doing so and remain marginally employed, and therefore experience severe financial problems when divorced.
* Divorce causes severe psychological and emotional stress.
* They are unprepared to take care of themselves in the adversarial legal and judicial systems.
* Often their home and other sources of security disappear.

Purpose of the Study

The purpose of this study is to gather a body of data on the needs of midlife and older women in divorce. By describing the needs and experiences of a number of midlife women in Minnesota who have been divorced, a knowledge base can begin to be developed for this population of women. This study can serve to raise consciousness, influence public policy, and make visible the needs of this population of women. The study can also act to affirm the value of what women do as homemakers and of their contributions to home and society.

It is my expectation that these data will show 1) the value or lack of value of an old degree on entry or re-entry into the job market after being a long-term homemaker, 2) the disadvantages of a career as an unpaid homemaker in attempting to re-enter the job market, 3) the experiences women encounter with the legal and judicial systems that create extreme stress and result in unfair decisions, and 4) the consequent emotional and psychological needs of these women.

The focus is not primarily on children, child support or child custody. Although a number of women still had minor children at the time of the study, they were close to adulthood and the majority of women had no minor children. Major areas of focus are education, maintenance, property division in the legal process, economics, employment, and psychological and emotional issues.

Organization of Paper

This chapter presents an overview of the issues surrounding divorce and a discussion of the need for and purpose of the study. It also provides a framework for examining diverse problems faced by midlife divorced women.

Chapter two is a review of conceptual literature and research which focuses on the aspects of divorce relevant to this study.

Chapter three describes the methodology of the study which is a questionnaire survey of midlife women in Minnesota who have experienced divorce. In chapter four, the demographics of the population are presented and the data of the study are summarized and analyzed. The final discussion chapter is a summary of the paper and discusses the results and implications of the study along with its limitations and recommendations for future research and action.

Chapter 2

LITERATURE REVIEW

Background

This chapter reviews selected literature relating to divorce at midlife and beyond. While some attention is given to women in general, the particular focus of this study is on the economic and social consequences for midlife and older women.

Also covered in the review of the literature are the history of divorce, and society's and the court's response to it. Reviewed are current trends which include changes in women's roles and in divorce law, public policy issues, and the special issues of midlife and older women.

The research pertaining to the specific issues of this study are organized into the following areas: education, economic and employment, legal, and psychological and emotional.

The most comprehensive and well-known research on divorce has been conducted by Weitzman (1981, 1985). Her research is documented in her doctoral dissertation (1981) and in her subsequent book based on that research (1985). Weitzman (1985) is the source most often quoted in the numerous articles that appear in the popular magazines and in

newspaper articles. Her most often quoted statistic is that women's and children's standard of living goes down 73% after divorce while men's increases 42%.

Weitzman's (1981) California study consisted of systematic random samples of court records drawn at three different times. One sample was drawn before the passage of no-fault divorce laws and two samples were after passage of no-fault divorce laws for a total sample of 2,500. The study also included in-depth interviews with 228 divorced men and women, 169 attorneys and 44 family law judges. Her study considers the economic basis of no-fault divorce, marital property, spousal support, child support and the social and economic consequences for the family which include post-divorce income and the impoverishment of women and children.

According to Weitzman (1985), the changes in divorce are the result of three major trends, "more people getting divorced, divorce has become more socially acceptable, and most states have no-fault divorce laws" (p. xviii).

Shaw's (1983) comprehensive research is based on a longitudinal study conducted from 1966 to 1977 of 3,907 women, 30 through 44 years of age at the beginning of the study. This age range was chosen for the study "because it represented a transitional stage when many women returned to the labor force after staying at home with their children"

(p. 1). Included in the study were 2,835 white women and 1,072 black women. They were interviewed 8 times in the 10 year period. Issues addressed in the study were problems of labor market re-entry, causes of irregular employment patterns, atypical occupational patterns, attitudes toward women working, implications for health, and midlife divorce.

A third comprehensive source reviewed is Shields' (1981) analysis of divorce for midlife and older women. Shields, as a founder of the Older Women's League, was one of those responsible for the term "displaced homemaker." The term was used to describe women divorced after long-term marriages whose primary occupation had been as homemakers. The term displaced homemaker was selected, according to Shields (1981), because of the labor department's already-in-place programs to retrain displaced workers for new jobs. The intent was for displaced homemakers to be eligible for such funds and retraining. However, according to Shields (1981), the Department of Labor re-named the programs "dislocated workers" and thus excluded from the funding displaced homemakers. She saw displaced homemakers "as persons caught in the middle of changing family structure, social mores, and divorce laws" (p. ix). She calls such women "a whole generation of women forcibly exiled and displaced from a role, an occupation, dependency status and a livelihood" (p.

x). Her book discusses the realities of no-fault divorce for long-term homemakers and offers options and strategies for change. Another effort by the Older Women's League was a series of "Grey Papers" highlighting issues for midlife and older women. Two of the Grey Papers were relevant to this study; "The Disillusionment of Divorce for Older Women" (1982) and "Not Even for Dogcatcher: Employment Discrimination and Older Women" (1980).

The United States House Select Committee on Aging in the 95th and 97th Congress (USHSCA) (1976, 1978) gathered a comprehensive compendium of papers on women in midlife that identified public policy issues for midlife women.

Other public documents from the state level such as those from the Minnesota Legislative Commission on Economic Status of Women (LCESW), which is an advisory body to the governor and the legislature, and the Minnesota Judicial Task Force for Gender Fairness in the Courts (MJTFGFC) (1989), are cited as they relate to specific issues of this study.

Other sources are cited as they relate to a particular focus of the study. They include articles and studies in journals of the family social sciences, psychology, economics, and law and gerontology, as well as articles in the popular literature.

History of Marriage and Divorce

Historically marriage has been based on clearly defined gender roles with the husband being head of the family and the economic provider while the woman's role was to care for husband, home and children. These gender-based roles go back many hundreds of years to common law where both people took on one identity. Weitzman (1985) describes these rigid gender-based roles when she observes "Upon marriage the wife became a legal non-person, living under her husband's arm, protection and cover" (p. 3). Both the state and church upheld this view of marriage and saw it as both a moral and a legal commitment until 1970. Traditional law upheld this view of marriage with rewards and punishments at the time of divorce based on a moral code and right and wrong.

Women's work experience traditionally ended at marriage, and after World War II women did not work after the birth of their children. After World War II, traditional roles were strongly encouraged for women and "popular magazines extolled the housewife who devoted herself solely to the needs of her husband and children, and employed women were depicted as neurotic" (Shaw, 1983, p. 4). In May's (1989) research of the 1950's, she observes that women returned to the home after World War II because of the current "obsession with

security" (p. 9). These were the women who were born during the depression and experienced the war as adolescents. They were the smallest generation of the twentieth century and the Minnesota Women's Press (1989) calls them "the silent generation" (p. 1) about whom little has been written.

Trends

The number of divorces remained relatively stable until 1970 and the passage of no-fault divorce laws which swept the country. According to Shaw (1983) "between 1970 and 1976 the number of women heading families increased 50 percent" (p. 129). At the same time the number of women who felt a woman's place was in the home declined from 45 percent to 32 percent and the average number of children at home declined from 2.8 to 1.7. There was a dramatic trend toward approval of marital dissolution and an estimated 1,219,000 divorces became final in 1981 - triple the number recorded in 1962 (Lyon, 1985).

In 1970 the women's movement was just beginning and the focus was on moving women into the labor market. The women's movement was not involved in the drafting or passage of the first no-fault divorce laws. It was viewed as strictly a legal reform. However, no-fault divorce was embraced by many women's organizations as signifying equality without realizing the implications for older, long-term homemakers.

The issues the women's movement were identifying as sexist according to Shields (1981) were "compounded for older women in a youth oriented society simply because they were older women" (p. 26). Weitzman (1985) emphasized the especially difficult position of long-term homemakers when she says "Some of the most tragic victims were older homemakers who not only lost their residence of 25 or 35 years, but also lost their whole social structure in a forced move to the other side of town" (p. 359). Before no-fault divorce, 4 percent of divorces involved those married more than 15 years. In contrast, in Minnesota in 1988, 25 percent of divorces were to people over the age of 40 and 13 percent were in marriages of 20 years or more (LCESW, 1990).

One response to the impact of no-fault divorce on long-term homemakers has been national legislation for displaced homemakers' programs in each state. Shields (1981) was instrumental in the development of the programs and their passage in congress. At that time she described this population of women as falling through the cracks of federal income security programs and she observes "They are too young for social security, ineligible for federal welfare assistance and unemployment insurance because they have been engaged in unpaid labor" (p. x). Shaw (1983) comments that "Food stamps are the only source of public transfer income

available" (p. 25).

No-Fault Divorce

The first no-fault divorce law was passed in California in 1970 and launched a legal, social and economic revolution. Its purpose supposedly was to take the acrimony out of the fault divorce systems. However, the consequence has been the systematic impoverishment of women and children, with older homemakers being especially hard hit by the new law's concept of temporary maintenance (Weitzman, 1985).

The assumption by the courts under no-fault was that, as the result of the women's movement, any woman could get a job or that she would quickly find another man to take care of her and therefore permanent maintenance was not necessary (Weitzman, 1985). She observes that

> Although the changes in divorce law were originally welcomed as enlightened reforms that, among other things, would support the emerging equality of men and women, this research shows that they have effected little real equality between the sexes and have brought a host of unanticipated, unintended, and unfortunate consequences for women and children (p. 378).

Public Policy

Because this is a new phenomenon, there is inadequate research and knowledge on which to base decisions.

Especially hard hit is the traditional homemaker who was raised in one cultural climate and must now adjust to a new one without the socialization or tools to do so and in a job market which does not want her.

It is estimated there will be 36 million women aged 45 to 64 between 1990 and 2010. Promoting the general welfare of so large a number of citizens requires increasingly sophisticated knowledge of their needs and interests (USHSCA, 1976, 1978).

Hopps (1978), in her analysis of no-fault divorce, concluded that

> Perhaps it is time to examine and modify the consequences of no-fault divorce - not only from a psychological perspective, but from the inevitable economic and social perspectives as well, given a society in which the needs of women and children often are subjugated in both law and commerce. That equality between the sexes should be an assumption of no fault divorce is an irony, for if men and women are effectively unequal before and during marriage, how can they be equal at its termination? (p. 3)

Midlife and Older Women

Of special concern have been the issues of the midlife, long-term homemaker and the circumstances in which these

women found themselves. An American Association Of University Women (1980) study of divorced women in Kentucky found "There was little recognition as well on the part of the general public that in their midst growing numbers of older women were fighting a battle of survival" (p. 5).

Education

Very little research has been done on the needs or effect of education for divorcing women. There are no data to support the assumption by the courts that a degree earned 25 years ago gives marketable skills in today's labor market. On the contrary, according to the USHSCA (1978), "Midlife women's need for adult education will continue to grow" (p. 8). This Commission (1978) concluded that the needs of this population "are among the most compelling of all groups, and since their resources to pay for education are likely to be limited, it is appropriate to review overall priorities" (p. 155).

Further, the present practice of funding continuing education largely on a pay as you go basis also works to the disadvantage of mature women who need additional education to enter the world of work.

The Commission's conclusions were that while the number of women in continuing education has grown, "education is not reaching the segment of the population that can benefit the

most. The lower the income and the lower the education level, the lower the participation in continuing education" (p. 155).

Wegmann, Chapman and Johnson (1985) say that education is increasingly important to make decent pay in the growing service industry where women typically work and that women without education are dropping out of the labor force. In 1981, 95 percent of college educated women were in the labor force whereas only 46 percent of those with less than high school education were in the labor force. "Many women do return to school ... seven percent of white women completed at least one additional year of education after divorce" (Shaw, 1985, p. 35).

Most of that education was at the college level. Women who already have some college are more likely to return to school or get other job training, and teachers and nurses frequently return to school to maintain these certifications (Shaw, 1983).

In the Shaw study (1966-1977), the educational attainment of white women was less than 12 years for 30 percent; 12 years completed for 49 percent; 13 to 15 years for 11 percent; and 16 or more years for 10 percent, and few women received education for occupations now in demand.

Men, in contrast, get greater yield for educational

attainment than women do, and women earn significantly less than equally qualified men. Mature, middle-aged women experience increased problems in returning to school, according to Meyer (1976) in her discussion of career change for mature women.

Data also indicates that the more education a woman has, the more likely she is to be in the labor force at age 50 to 54 (USHSCA, 1978).

> In fact, research from Ohio State University shows that women who enrolled in a training program, rather than taking a job in the first year after divorce, were more successful in terms of both job level and annual earnings in the long run ... and both young and mature women who enrolled in a training program were more successful than their counterparts who received no training in finding a job after the transition and in obtaining higher annual earnings during that year. (Weitzman, 1985, p. 208)

In spite of this evidence, "Few judges seriously support the notion of awards for education and retraining" (p. 25).

Weitzman cites the case of a wife, a nurse, who supported her husband through eight years of medical school in which less than one-third of judges were willing to award her money to go to medical school. The remaining judges felt

they did not "think it fair to saddle her husband with her optional expenses since she was clearly capable of supporting herself" (p. 35).

The lack of research on the educational needs of women after divorce, the methods of funding education, the reluctance of the legal and judicial systems to provide funds for education and training, and the growing need for such education and training all contribute to the subsequent economic impoverishment of women after divorce.

Employment

Socialization has historically played a powerful role in women's work history. "Occupations where women are concentrated generally permit women to act out their socialization toward nurturance and dependence," according to Shaw (1983).

In addition, the traditional division of labor called for the woman to subordinate her career so that she sacrificed her own career to support her husband's. She was more likely to be in teaching, nursing or a clerical job which continued her role as nurturer. As a result, she received less pay and less opportunity to advance (Shaw, 1983). Shaw goes on to say that "Family obligations seem to be the most powerful force preventing women's full involvement at the present time" (p. 90).

Economic pressure is the primary reason for entering the workforce, especially for women in their 40's and 50's. These women were the baby boom mothers. "Only a quarter of those women had the example of a working mother during their teenage years. The older women in the sample had few role models of married women working at desirable jobs" (Shaw, 1983, p. 4).

Further, in 1968 only 27 percent of 14 to 24-year-old females in the sample had definite plans for working as an adult. However, by 1979, 60 percent were in fact in the labor market (Shaw, 1983). In general, family responsibilities had negative and significant effects on earnings, and most of these effects operated through the strong effects of the labor-market-commitment.

The vast majority in Shaw's (1983) sample had worked outside the home sometime between 1967 and 1977. This split was approximately one-third for continuous work, one-third for intermediate, and one-third who worked very little. A number of factors influenced these employment patterns. Unexpectedly, during the empty nest stage, women were much more likely to leave continuous or intermediate work than to return to work. Part-time workers were those those who worked very little and those just entering the labor force. These part time workers were more likely to leave the labor

market whereas continuous workers were more likely to advance in their occupation. By 1977, approximately one-third of continuous workers had advanced. This implies two-thirds had not advanced in the 10 years and speaks to the dead-end jobs where women are often found.

A period of five years out of the labor market had the same negative impact on employability and earnings that a longer break would have. Recent paid work experience was the best indicator of whether a woman would become continuously employed (Shaw, 1985). This does not speak well for the prospects for older women with no recent work history to re-enter the labor market and remain attached to it.

Among other factors which impacted women returning to the labor market was a woman's perception of her husband's attitude toward her work and this perception did not decline from 1967 to 1977 (Shaw, 1983). Also, "Older husbands tend to have more power in marriages, so the husbands in our sample may have more than usual power in the marital relationship" (Shaw, 1983, p. 81).

Discrimination is another factor which impacts women's reentry into the work force. Shields (1983) and Weitzman (1985) draw attention to the difficulties midlife women have in reentering the job market.

Because it is difficult to face aging, most of us don't

> recognize age discrimination when it hits us. It's often only after repeated rebuffs that the message seeps in and forces us to deal with it. When letters to want-ad box numbers remain unanswered, when countless applications are accepted with a terse `We'll let you know' and when they don't, or being told you're `overqualified, underqualified, overeducated, undereducated,' it reinforces the lack of self-confidence and drains away any you might have had. (Shields, 1981, p. 20)

Weitzman (1985) comments that "Employers do not recognize homemaking skills as having market value. They only recognize `recent paid work experience' and even with such experience, older women are unwanted in today's labor market" (p. 207). She goes on to say

> It is hard enough for an older man who loses a job to find another, but the older unemployed male at least has a work record. Since homemaking isn't considered work, displaced homemakers are often turned down in the private sector because of lack of a record of recent paid employment. (p. 14)

Enormous time pressure is placed on divorced women by the expectation that they become immediately self-sufficient. In this respect the support awards play a critical role in

shaping the women's future. The presence or absence of maintenance can make the difference between having the time to do a job search, to get counseling or return to school, or of having to take the first job offered.

Discouragement accompanies discrimination, and statistics show that 60 percent of the discouraged workers who leave the work force are older women (LCESW, 1980; Shaw, 1983). This suggests that considerable amount of involuntary job leaving is not identified by the unemployment rates.

The importance of age as a selection factor is also correlated to the level of the position; the higher the position in the organizational hierarchy, the less age is a factor, according to Cronin (1981) in her survey of business attitudes toward older executives. This factor mitigates against reentry midlife women achieving job security since they do not have the work history or years to advance to a level that would give them employment security.

> Consequently, an ever-growing number of these divorced women or `unemployed housewives' cannot and will not be absorbed into the general economy. ... The sobering fact remains: spousal support is all too likely to be the only income to the wife until she is eligible for social security. (OWL, 1980, p. 6)

In 1984, 40 percent of working women were working part-

time in contrast to 15 percent for men, and more than one-third of these female part-time workers work at least 50 weeks a year, demonstrating a significant attachment to the work force (LCESW, 1986). These data suggest problems with benefits, health insurance, and with rate of earnings.

In 1983, median income for divorced women was $16,173, and it was $22,535 for divorced men (LCESW, 1986). On the average, these divorced men are allowed to retain twice as much income as the court allows the women who shared their career-building years. These figures probably underestimate the economic income disparity between men and women because they assume equal household size. Contrary to popular perception, women tend to have the larger household size because they are more likely to have dependent children in their households, and their disposable income is usually shared with these adult children. In contrast, men are more apt to marry a career woman and thus become a two-income family.

On the whole, men from long-term marriages have the highest per capita income and there is the largest income disparity between them and their former wives. Weitzman (1985) observes that

> Among families with predivorce incomes of $40,000 or more a year, the wife is expected to live at 42 percent

> of her former per capita standard of living, while her husband is allowed 142 percent of his former per capita level. (p. 191)

Carter & Lawson (1981), in their discussion of discrimination based on age, sex and national origin, state that it is the marketplace, as opposed to government, which continues to allow for discrimination to flourish. Women generally receive lower pay, have limited promotional opportunities, and are assigned the least secure positions. Consequently underemployment and unemployment among these groups remains higher than the national average.

As a result of this discrimination, the older female faces more difficulties in job seeking and, in addition, unemployment programs and institutions are not designed to serve her. Hollingshead (1982), in her discussion of work and older women, adds that "the definition of older suddenly shifts downward when it comes to employment", and age discrimination begins at a younger age. Employed, older women have substantially lower earnings than younger women entering the workplace who average 43% higher income according to Pursell & Torrence (1980) in their study of unemployment patterns of older women. This indicates that bias and stereotyping work against older women in securing and retaining employment and explains why women's earnings do

not increase with age. By the age of 55, women average $16,066 per year compared to $18,179 for a 35-year-old woman, based on data from the U.S. Census Bureau (1980).

Job segregation as well as bias and stereotyping contribute to the lower earnings of older women because these traditional female occupations are the ones in which older women are comfortable, they fit their socialization patterns, and they are the occupations offered to them by employers (Shaw, 1983).

Therefore, the sources of discrimination are both a matter of personal choice and of market availability. According to Hoopers (1989), in his discussion of age discrimination,

> In the 1980's, American industry has responded to the greatest achievement of the century [a longer productive life span], with selfish, narrow-minded policies toward the older employee that, in many cases, have not only produced tragic results but often violated the law. (p. 34)

In addition, the older displaced homemaker has her own unique problems: She has little or no work experience. She does not receive maintenance. She has little or no health insurance. She may have dependent children and/or dependent parents. She has no disability or unemployment benefits.

And she faces sex and age discrimination.

Socialization that encourages women to be nurturers and dependent, gender-based roles in marriages, and intermittent work histories all contribute to an employment pattern for women that often results in low incomes and little or no retirement income.

Economic

Women do not regain the level of economic well-being they had before divorce and, even if they do manage to eventually improve their financial condition, their early years immediately after divorce are ones of acute financial hardship (Shaw, 1983; Weitzman, 1985). This economic difference was also documented by Michigan researchers who found that

> ... the experiences of divorced men and women were strikingly different when [family purchasing power was used as a measure]. Over the seven-year period, the economic position of divorced men actually improved by 17 percent. In contrast, over the same period, divorced women experienced a 29 percent decline in terms of what their income could provide in relation to their needs. (Weitzman, 1985, p. 337)

Economically, older and longer-married women suffer the most after divorce. Their situation is much more drastic --

and tragic -- than that of their younger counterparts because the discrepancy between their ex-husbands' and their standards of living after divorce is much greater than for younger couples, and few of these women can ever hope to recapture their economic loss.

The progress of these women into the labor market between divorce and retirement "Will determine whether they can look forward to a reasonably secure, independent old age. Their successes and failures as a transitional generation are also useful indicators of what young women might pursue or avoid in mapping their own careers" (Shaw, 1983, p. 1).

For a sizable number of women, old age translates into poverty and, often, into powerlessness. Little attention has been focused on the future these fired homemakers face. Today, 90 percent of the elderly poor are women who are divorced, separated or widows according to Minkler & Stone (1985) in their study of the feminization of poverty and older women.

Sander (1985) found the economic price of divorce, however, was less for a high wage woman because the loss of her husband's income was marginal. This gave her the opportunity to leave a marriage and either stay divorced or remarry. In other words, high wage women gain less economically from marriage. This is in marked contrast to

the situation of a traditional homemaker whose divorce award establishes her future standard of living (Weitzman, 1985). Therefore, many married women today are considering their economic future and are choosing to re-enter the work place to insure their economic security (Weitzman, 1985; Shields, 1983).

The divorce is an economic disaster for most women and they never regain their pre-divorce economic stability and standard of living. The economic disparity is marked and, while men's standard of living improves, that of women declines. The disparity is greatest in long-term marriages. Women from these marriages have the least chance to reenter the labor force. This translates into both short-term poverty and long-term poverty in old age. The economic price of divorce is least for women who have careers of their own and highest for women who have devoted their lives to husband, home and children.

Legal

California was the first state to pass so-called "no-fault" legislation in 1970. Under the new no-fault, no-consent law, fault was no longer necessary grounds for divorce and one spouse could choose to divorce without the consent of the other. Further, evidence of spousal wrong-doing was banned from the proceedings except when it

pertained to children; for example in cases of abuse. The adoption of a no-fault divorce law in California in 1970 was accompanied by a number of changes - some intended, some unintended - in the process of divorce and in the patterns of awarding maintenance, property, and child custody. No-fault divorce laws also raise questions about equity in spousal support and property settlements when no one is at fault according to Dixon-Weitzman (1988). "A radical change in the rules for ending marriage inevitably affects the rules for marriage" according to Weitzman (1985, p. ix).

Proponents of no-fault divorce had four goals: (1) to slow the increase in divorce, (2) to eliminate hypocrisy, (3) to reduce acrimony and bitterness, and (4) to create a more rational setting and more equitable maintenance and property settlements.

However, Weitzman (1985) found that without fault-based grounds for divorce, and without the need to prove adultery or mental cruelty, the reformers had not only recast the psychological context of divorce (and had in fact reduced some of the hostility and acrimony it generated); they had also transformed the economic consequences of divorce and, in the process, redefined the rights and responsibilities of husbands and wives in legal marriage.

This first no-fault divorce law did not have good public

involvement and no organized feminist groups were involved. It was viewed as a legal reform; its social and economic implications were not considered.

The men who were reforming the law were the men most likely to be paying alimony - middle-aged professional men with substantial property. The author of California's 1970 law was a 53-year-old attorney named James Hayes. Subsequently, he divorced his wife of 25 years and, although she had never worked outside the home and had serious health problems, she was awarded $650 monthly maintenance from Mr. Hayes $40,000 annual salary. Over a period of a few years, that maintenance was reduced to $200 a month, and she was on food stamps (Weitzman, 1985).

Marriage was redefined in terms of personal satisfaction, grounds for divorce moved from moral grounds to economic grounds, a woman could no longer consider marriage a lifetime partnership and she did not have the bargaining power of fault. The gender-based assumptions of traditional law were abandoned and, in its place, the standard of equality was substituted. That is, both sexes were to be treated the same (Weitzman, 1985).

No-fault law, in its attempt to treat men and women the same, "ignores the structural inequality between men and women in our society" (Weitzman, 1985, p. 35). It does not

consider that a 20-year job history as a homemaker does not translate into skills the job market wants. Women have typically been unequally disadvantaged economically by the marriage itself. The practical consequences of this presumed equality have been a drastically diminished economic settlement for the homemaker and subsequent dramatically lower standard of living (Weitzman, 1985).

Men are freed from responsibility and women are freed from security under no-fault divorce law. Low temporary maintenance awards add to the post divorce income of men. In addition, the high rate of non-compliance with the court decree by men and the more likely probability that they will remarry serves to increase their post divorce income. While the courts seem concerned that the man have enough income to support his next family, in reality it is the woman's family size which increases with the addition of young adult children for whom she is receiving no child support. In addition, both self-employed and salaried men are often able to control the timing of their income and defer bonuses and salary increases until after the divorce (Weitzman, 1985). All of this increases the man's income after divorce and decreases the woman's.

Three groups of women were to be given special consideration in divorce proceedings under no-fault - older

women who were traditional homemakers, young mothers with small children, and those women needing transitional support (Weitzman, 1985). However, as the law was actually interpreted, this did not prove to be the case. Alimony became the exception, not the rule, and was defined as short-term and rehabilitative. The goal of the courts became to make the woman self-sufficient economically - the one area of life in which she was not equipped to be self-sufficient after many years as a homemaker (Shields, 1981; Weitzman, 1985).

> These new standards for alimony not only create new expectations for women at divorce, they also redefine the expectations for women in marriage. For a legal system that expects a women to be self-sufficient after divorce can no longer logically expect her to be solely a housewife and mother during marriage. (Weitzman, 1985, p. 143)

The new law implies that a woman's years as a homemaker and mother were wasted and rewards the spouse who invests in him/herself and not in the family. The new law also assumes that all women are employable and capable of economic self-sufficiency. Hecht-Schafran (1989) comments in her discussion on women and divorce that, in 1972, a Florida appeals court denied a woman's request for permanent alimony

with a sweeping generalization about women's earning potential and stated that "In this era of women's liberation movement and enlightened thinking . . . the woman is as fully equipped as the man to earn a living and provide for her essential needs" (p. 14).

According to Sachs & Wilson (1979) in their discussion of sexism in the legal system,

> The law in the United States represents the epitome of the stereotypic masculine characteristics of rational thinking, competitiveness, aggressiveness, strength, and seriousness. Conversely, feminine or affiliative characteristics are routinely described as those of emotional responses, weakness, delicacy, gentleness, and frivolity. ... This... male image of women as somehow morally superior yet intellectually inferior, as the embodiment of both all that is good and asexual symbolized by the Virgin Mary and all that is evil, including insatiable sexuality, symbolized by Eve, has forced women through the ages to live with contradiction, with an internal discord and confusion about their true nature. (p. 4)

Maintenance

The statutes tend to be similar in all the states under no-fault and, as with the Minnesota statute, require the

courts to consider all of the following relevant factors in making a decision on maintenance.

> The court shall base its findings on all relevant factors including the length of the marriage, any prior marriage of a party, the age, health, station, occupation, amount and sources of income, vocational skills, employability, estate, liabilities, needs, opportunity for future acquisition of capital assets, and income of each party. The court shall also consider the contribution of each in the acquisition, preservation, depreciation or appreciation in the amount or value of the marital property, as well as the contribution of a spouse as a homemaker. It shall be conclusively presumed that each spouse made a substantial contribution to the acquisition of income and property while they were living together as husband and wife. (Nardini 414 N.W. 2d 114, Mn., 1987, p. 7)

Judges in actual practice tend to focus on the wife's ability to be self-sufficient at the most basic level. In interviewing judges, Weitzman (1985) found them supporting substantial maintenance and encouraging self-sufficiency. However, their actual decisions were for very short-term maintenance even for long-term homemakers with no job market history and, thereby, requiring self-sufficiency.

Even in cases of long-term marriages, courts are not recognizing the wife as an equal partner when it comes to dividing assets. The only place the wife's equality is being upheld by the courts is in equality in being economically self-sufficient (Weitzman, 1985). Inskip (1985) expresses the bias of the judicial system as follows: "Justice may be blind, but it is not impartial if judges don't recognize the problems middle-aged women face in divorce" (p. 17). Hecht-Schafran (1989), in her review of divorce, found that

> The consequences of the no-consent aspect of no-fault has fallen most heavily on the older and economically weaker wife ... Yet throughout the country, judicial opinions in divorce cases frequently reflect what is either adherence to the Superwoman stereotype - that any woman can do it all, alone - or else indifference to women's and children's post-divorce struggle for economic survival. (p. 15)

The Minnesota Supreme Court Task Force for Gender Fairness in the Courts (1989) found that

* Spousal maintenance is rarely ordered in Minnesota, even in long-term marriages.
* When maintenance is awarded, it may sustain the economically dependent spouse at a minimal level but generally does not permit that spouse to maintain a

previous standard of living.

* Courts are reluctant to impose long-term maintenance obligations.
* Maintenance awards are not sufficient in duration or amount to adequately provide for education or training of the economically dependent spouse (p. 12).

Before no fault in Minnesota, 14.4 percent of women received maintenance in the years 1970 to 1974. In contrast, after no fault, from 1975 to 1979, 11.2 percent of women received maintenance (LCESW, 1988).

> In 1985 [in Minnesota] 15 percent of all divorced women had maintenance awards. The average annual maintenance paid to women in 1985 was $3730 ... 73 percent received some part of the amount ordered by the court. Nineteen percent of women age 40 or older have maintenance awards, while only 8 percent of women 18 to 29 receive maintenance. (p. 2)

By 1977, the median duration for rehabilitative maintenance was 25 months, indicating that the courts believed all women could become economically self-sufficient in that length of time. This seems to overestimate the speed with which a woman can receive training, according to Weitzman (1985). She goes on to say that to refer to maintenance as rehabilitative maintenance implies that being

a homemaker is not work and has no social value.

A woman's chances of receiving maintenance increase with her age, with her husband's income, and with the length of the marriage. Even so, maintenance was awarded to only 17 percent of divorced women in California in 1978. In addition, the courts are awarding minimal amounts of maintenance and applying unrealistic standards of self-sufficiency. Hardest hit by the lowered amounts of maintenance awards for a shorter period of time are midlife and older women whose likelihood of re-entering the job market successfully is very small. A consequence is that the maintenance award is apt to set the standard of living for the rest of her life for many older women (Weitzman, 1985).

Such punitive maintenance awards have been the norm nationwide. In Minnesota in 1980, a 52-year-old physician's wife was awarded rehabilitative maintenance for four years beginning at $2,000 per month and decreasing to $500 per month over four years (Otis 299 N.W. 2d 114, Mn., 1980). In two subsequent cases, two middle-aged full-time homemakers were denied permanent maintenance when they were divorced by men with annual incomes in excess of $200,000 (Abuzzahab 359 N.W. 2d 12, Mn., 1984)(McClelland 359 N.W. 2d 7, Mn., 1984). In 1987, the tide turned when a 56-year-old full-time homemaker's case was appealed to the Minnesota Supreme Court

and, for the first time, a preference for permanent maintenance was ordered by the Minnesota Supreme Court (Nardini 414 N.W. 2d 114, Mn., 1987).

The goal of maintenance being a mechanism for realizing fairness in divorce has, thus far, not been met. The concept of awarding maintenance based on need by a court system out of touch with the reality of middle-aged homemakers has resulted in drastic downward mobility for middle class, middle-aged women. The concept of entitlement, compensation and shared earnings might realize the goal of fairness and equality for unequal economic partners (Weitzman, 1985). "In the end, under both legal systems [fault and no-fault] alimony is awarded according to judges' (and lawyers') conceptions of what the husband can afford" (Weitzman, 1985, p. 183).

Marital Property

In addition to maintenance, property is typically also divided unequally. There has been a decline under no-fault in the assets awarded to the wife, and in three-quarters of the cases in Weitzman's (1981) dissertation a substantially unequal division of property was found.

The value of property in most marriages is relatively low, and it is Weitzman's view (1985) that most couples' major investment is in the husband's career rather than in

tangible property. Thus, the major asset from the marriage is not considered a marital asset and is not divided between the divorcing parties. "This suggests that the nature of wealth and property has changed in our society. We no longer invest in family farms . . today we invest in ourselves and in our ability to earn future income" (Weitzman, 1985, p.68).

However, New York state has recently ruled that a professional license is marital property (U.S. News & World Report, 1988). In contrast most of the 30 or so other states that have so far looked at the issue have been reluctant to expand so radically the traditional notion of property as something that can be bought and sold.

Marriages are more and more becoming financial partnerships as a result of no-fault divorce laws. "Thirteen other states by statute or court ruling [now] recognize a spousal property in a professional degree" (Time, 1986, p. 55).

King (1982), in his analysis of household decision making, observes that " ... the courts have generally not recognized the property rights of one spouse in the human capital acquired by the other during the marriage" (p. 536). This gives the one investing in himself an asset that is not considered marital property in divorce. In addition, the

risk of divorce leads to over-investment in human capital, with the likelihood being more common in more fragile marital relationships.

King goes on to support careers being considered marital assets when he states

> ... that it would be socially efficient, and equitable, for human capital created by joint sacrifices of consumption to be recognized as marital property in which both partners have equal rights. Yet, it is equally clear that the courts have been reluctant to adopt this view. (p. 539)

Weitzman (1985) observes that, in 1983, a New Jersey judicial task force, after conducting hearings, concluded that their state's equitable distribution standard for division of marital property typically resulted in awards to wives that were significantly less than half of the family property. The judicial report states: "Attorneys from all parts of the State observed that there appears to be an unofficial standard that the wife will receive no more than 35 percent to 40 percent of the net marital assets in equitable distribution" (p. 106). The task force concluded that "women suffer inequitable long-range outcomes with respect to property division" (p. 106).

The data also indicate that the courts are much more

willing to order the family home sold in order to divide property than they are to order the family business sold (Weitzman, 1985).

Divorce Process

The divorce process itself is also a source of concern. According to Wishik (1984), in her study of 227 divorce decisions in Vermont, "Many interviewees [in her study] expressed distress at how mysterious the divorce process was kept by their attorneys and the courts" (p.102). Lack of funds was an issue for women in that "attorneys' fees are rarely awarded in divorce cases and a woman may be carrying a disproportionate amount of the legal costs for divorce" (p. 85).

Several women in Wishik's (1984) study were told by their attorneys that they could not get alimony even though they were leaving long-term marriages, had no recent job history, and had well employed husbands, and "a number of women told of husbands who refused to answer interrogatories and who hid assets" (p. 100).

Women are at a disadvantage, according to Shields (1981), because the wife's attorney usually has more of a job to do than does the husband's. The husband not only has control of the assets, but has all the information about them. The massive effort of discovery and analysis of the

financial picture, as well as the task or persuading the court of the wife's needs, falls to her attorney (p. 8).

Money to pay attorney's fees is also an issue. "Even wives of well-to-do men often did not have immediate access to cash to pay for lawyers' retainers and the expensive discovery necessary to uncover and document their husband's assets" (Weitzman, 1985).

Wives are commonly counseled to "forget it" and get on with building new lives when it's clear they will not receive maintenance. In other cases, the attorney may seek extra property to compensate for no maintenance, and others will aggressively seek a fair settlement, according to Weitzman (1985). She goes on to say

> In divorce negotiations as in many other areas of the law, the party who is more insistent and more intransigent is likely to prevail. The other party must be willing to go to extreme lengths (and to spend a lot of money) to pursue his (or her) own cause. Not surprisingly, when faced with a husband's adamant refusal to pay and the choice of "accepting" this refusal or spending vast amounts of time, dollars, and psychic energy in litigation, most women decided to `accept' their husband's decision. In the present legal system a woman's options to `choose' to fight for

alimony are severely constrained. (p. 163)

Many attorneys do not aggressively pursue their female clients' best interests because the money isn't there to support it. They do not believe they can change the system, and they are more concerned with their reputation than with representing the woman. It requires taking risks and going that extra mile to get a fair settlement from an unfair system, according to Weitzman (1985).

In addition, Samuels (1986), in her discussion on litigation for spousal support, comments that attorneys may put pressure on the woman, pin her down, hire a detective, require a vocational assessment and otherwise use procedures which intimidate her.

> On the other hand, Samuels (1986) found that clients recognize loyalty and hard work in their attorneys, and some studies have shown that such characteristics are even more important to a client than the result. In family law, the biggest victory can be simply having a client who goes through the process without losing self-respect. (p. 39)

Retirement and Pension

Retirement and pensions are also issues. In the Wishik (1984) study, 25 percent (12) of the men had pensions and one woman had a pension. Weitzman (1985) found 24 percent of men

and 11 percent of the women had pensions. Shaw (1983) says "Many women who work intermittently or in low paid jobs have neither health insurance or pensions" (p. 131).

Weitzman (1985) found the pension usually went to the person in whose name it was earned with a trade-off of property. Wishik (1984) found that "... in no case were pension benefits ordered paid out in the future in part to the non-holder spouse" (p. 92).

This means women look primarily to Social Security for their retirement income (Weitzman, 1985; Shields, 1981; Shaw, 1983). Women in divorce are at a distinct disadvantage since they are eligible for only 50 percent of their husbands' Social Security and cannot accumulate enough in their own name to exceed that amount (Shields, 1983). Social Security is very much a cause of poverty for older women "because it extends into old age all of the sins of the past in regard to inequity for women. ... Sex discrimination in employment results in sex discrimination in pensions and retirement" (Shields, 1981, p. 205).

Wishik asserts that many women lose a valuable asset when they trade off their pension right and "men are leaving marriage with an asset which has been greatly undervalued in the property settlement" (Wishik, 1984, p. 93).

Pensions are just one more benefit that is tied to the

marriage that jeopardizes the economic future of divorcing women (Weitzman, 1985; Shields, 1981; Shaw, 1983).

Changing Nature of Divorce

The rate of divorce has skyrocketed in the past twenty years and appears to be leveling off now (Newsweek, 1987; LCESW, 1988). It is expected, however, that the U.S. divorce rate will continue to be one of the highest in the world. "Half of all marriages now break up, 85 percent of those divorced remarry, and 60 percent of second marriages also fail" (Business Week, 1986, p. 100).

Further evidence of the changing nature of marriage is that "The proportion of women aged 25 to 29 remaining single rose from 11 percent in 1970 to 28 percent in 1986" (LCESW, 1988, p. 1).

South and Spitze (1986), in their examination of the determinants of marriage, found that factors contributing to increasing numbers of divorces have been wives in the job market, unexpected changes in the husband's income either up or down, race, and living in a metropolitan area.

Summary

In summary, to assess the success of no-fault divorce law according to the four reasons for pursuing no-fault divorce laws:

1. the divorce rate itself has not gone down, but has

remained the same;

2. some of the acrimony and hypocrisy appears to have been reduced;
3. people are not divorcing more quickly; and
4. the hope for more rational and equitable settlements has not been realized (Weitzman, 1985).

Dixon and Weitzman (1980) believe that "Although no-fault divorce is a progressive recognition of the potential for equality between men and women, in the absence of genuine social and economic equality in the society at large, some inequities inevitably remain" (p. 297).

In addition, no-fault divorce has resulted in the systematic feminization of poverty from unequal distribution of economic assets. This has dramatically impacted the economic security of women and children and their future (Weitzman, 1985; Shaw, 1983; Shields, 1981).

The review of the literature clearly demonstrates that no-fault divorce legislation has not resulted in more equal treatment for men and women in divorce. It has changed the arena from a moral to an economic one and it has not taken the trauma or pain out of divorce.

It has redefined marriage and made the role of a homemaker less desirable. The value of the family has been de-emphasized and valuing of the men's right to "freedom"

seems to have been paramount with the legal and judicial systems. Women's and children's needs have not been adequately considered resulting in the feminization of poverty.

No-fault divorce laws have had far reaching social and economic consequences, many of which we are not aware at this time. The issues have been defined. They have yet to be addressed effectively.

Psychological and Emotional

That divorce is stressful is commonly acknowledged. The sources of stress, models of identifying those stresses, strategies for addressing them, and consequences of the psychological and emotional stress of divorce are reviewed in this section.

Gender Differences in Sources of Stress

Gerstel, Riessman & Rosenfield (1985), in their study of the symptoms of divorce, found that "Past research consistently finds that marital dissolution is associated with psychiatric distress" (p. 84). They propose that this distress varies by gender and has different sources for each gender. The difference in role socialization of women and men also creates different adult realities and women enter divorce with those differences. On the Holmes and Rahe Social Readjustment Scale, divorce is rated at 73 points,

second only to death of a spouse at 100 points, and above marital separation in the third position at 65 points. This attests to the severity of the stress of divorce.

Carol Gilligan also finds that a source for the difference can be found in the different realities of men and women wherein men have a morality of rights and women grow up with a morality of responsibility and care (Belenky, Clinchy, Goldberger & Tarule, 1986).

Belenky, et al (1986) concluded, after interviewing 135 women alumnae, students, and those in human service agencies serving women regarding their life experiences, that

> People operating within a rights morality - more commonly men - evoke the metaphor of 'blind justice' and rely on abstract laws and universal principles to adjudicate disputes. Those operating within a morality of responsibility and care - primarily women - reject the strategy of blindness and impartiality. Instead, they argue for an understanding of the context for moral choice, claiming that the needs of individuals cannot always be deduced from general rules and principles and that moral choice must also be determined inductively from the particular experiences each participant brings to the situation. (p. 8)

In other words, women believe dialogue; to be heard and

to be understood leads to a mutually agreeable consensus or decision rather than a win-lose imposed decision. Women tend to reject blind impartiality and the application of universal abstract principles, and this has resulted in women being labeled inferior in moral reasoning.

Therefore, women typically approach adulthood with the understanding that the care and enjoyment of others is central to their life's work. "Such women tend to subordinate their own perceptions and judgements to those of others" (Belenky, et al, 1986, p. 48). Such women tend to be voiceless and do not act assertively in their own behalf in the divorce process.

Belenky, et al (1986) see women as having a different way of knowing, a way they call connected, believing knowing, whereas men's way of knowing is a separated, doubting knowing. Connected, believing knowing entails patience, waiting and "being of attention." Men's separated, doubting knowing requires a combative challenging kind of energy.

Women look at moral choices from a contextual perspective that indicates sensitivity to the particular situation.

> In this responsibility orientation ... women resolve conflict not by invoking a logical hierarchy of abstract principles but through trying to understand the conflict

in the context of each person's perspective, needs and goals ... a caring response. (Belenky, et al, p. 149)

The connected way of knowing calls for a different sort of authority, one based on personal individual experience and one that acknowledges the uncertainties. "In a woman-centered universe" Adrienne Rich says, more courses would be conducted in the style of community, fewer in the masculine adversarial style of discourse. "... women find the experience of being doubted debilitating and feel put down. Because so many women are already filled with self-doubt, doubts imposed from the outside in a prove it environment confirm women's view of themselves as inadequate" (p. 110).

Statistics indicate one out of five female children is sexually abused and, as women, they can experience a profound distrust of male authority. That history as well does not give women the skills or permission to take care of themselves - to have a voice (Belenky, et al, 1986).

All of these differences in perception and life experiences serve to put women at a psychological disadvantage in a stereotypical male legal and judicial systems.

Takas (1986), in her discussion of no-fault divorce, believes that

The traditional social contract offered to men in our

society is not much better than that traditionally offered to women. Be controlled and effective and a good breadwinner, men are told, and in return we'll let you rule the family. It's not emotionally sustaining even when it works because power and control are substituted for - and prevent - real intimacy and sharing. (p. 82)

Models of Divorce

Kaslow (1984), in her discussion of change in the family system, has developed a six station model of divorce that includes (1) emotional divorce, (2) legal divorce, (3) economic divorce, (4) co-parental divorce and problems of custody, (5) community divorce, and (6) psychic divorce. She associates feelings, actions, tasks and therapeutic intervention with each stage. She says

> Despite the fact that in many social circles the stigma of divorce has diminished as divorce laws have been liberalized and the frequency of marital dissolution has spiraled upward, the traumatic impact of divorce does not appear to be any less severe on those who experience it. And, a ripple effect abounds with all members of the nuclear family and at least some of the family of origin of the separating mates. (p. 21)

During the emotional divorce, according to Kaslow

(1986), the couple becomes aware of their disenchantment and dissatisfaction, and distrust begins: One or the other is disillusioned and criticism of the other spouse increases. One may enter marriage with childhood fantasies of living happily ever after with their beautiful princess or prince charming or, from an abusive and conflict ridden home, one may come craving nurturance and parenting.

> If either of these scripts constitute a major part of the foundation of the marriage and the fairy tale quality expectations are clung to during the early years of marriage, disappointment, depression and/or rage are probable consequences when the dependency needs are unmet and the spouse feels deprived and unloved (p.24).

At stage two

> When adversarial proceedings are undertaken, the litigants are more likely to feel helpless and pessimistic as the negotiating devolves on the attorneys, with final authority for all decisions resting with the judge. Much anxiety and apprehension accompanies the uncertainty during the embattled waiting period. From the admixture of confusion, loneliness, anger and grief over all the losses wrought by the breakup of the marriage/family, a longing to retaliate and hurt may well up. The distribution of valued

possessions, acquired as part of their dream of a life together, is a traumatic experience (p. 31)

During the post divorce phase, the supportive network available is of critical importance. In her study, Kaslow (1986) comments that "Wallerstein and Kelly (1980) found that women with a strong support system of family and friends who offered financial help, housing and child care service during the crisis and transition fared much better than their female counterparts who lacked this" (p. 34). There is a need for a positive community to help women overcome their sense of shame and failure.

Further, Kaslow (1986) found the post-divorce period is one of exploration (at least for those who have the time, energy and money to be adventuresome) of both one's inner world and changing outer environment. Changes include new activities or hobbies that had been discarded, travel, return to school, change jobs, or new social relationships. "It can be a stimulating time of exciting, new challenges" (p. 36).

For others, at the divorce there can be a sense of hopelessness and depression, anxiety, anger, and perhaps the need for retaliation. According to Kaslow (1986), hard work is necessary to work through their psychic trauma, to express one's new identity and values in decisions and behavior and

to take full responsibility for the direction of one's life.

Froiland and Hozman (1977), in discussing their counseling model, see divorce as the death of a relationship and use the Kubler-Ross five stage model of denial, anger, bargaining, depression and acceptance to explain divorce. They see existential confrontation and a rational-emotive approach effective at the denial stage. "Opportunity for catharsis seems imperative" (p. 527) during the anger stage. During bargaining, manipulation is rampant, and during depression there is generally a combination of sadness of the loss and pessimism about the future. Clients see themselves as failures, doubt their ability to cope and lose confidence in themselves. The ability to trust may be impaired and a negative self-concept may develop. This is further complicated when a person's sense of self-worth has become dependent upon the relationship. Until internal resources can be identified, it is difficult to move out of depression.

During the acceptance stage in the Froiland & Hozman (1977) model, the client becomes more autonomous, appropriate social skills are relearned, there is stability in day-to-day living and there is a refocusing of one's life.

Froiland & Hozman (1986) go on to comment that career counseling is an important area that is often overlooked. The norm is that the women have not had careers and direction

is needed to help them establish careers or find jobs.

Gerstel, Riessman and Rosenfield (1985) found "That marriage protects men and women in very different ways" (p. 84). The marriage serves women's economic needs and serves men's social needs. They conclude that the stress of divorce is economic for women and social and emotional for men. "...thus, because there is a `his' and `her' marriage (Bernard), so, too, there is a `his' and `her' divorce, in mirror image of marriage itself" (p. 97).

Resources in Divorce

Crossman and Edmonson (1985), in their study of resources that support the financial adjustment of women after divorce, see "Three sources of stress for the individual, daily durable stresses [within one's roles], scheduled life transitions (such as births) and unexpected, unscheduled changes (such as widowhood and divorce)." (p. 465). Perception of the stress and one's resources affect stress levels. Also, there can be internal and external stressors, i.e.; internal as in divorce which results in demoralization. They cite the example of a long-term homemaker demoralized by divorce for whom employment becomes an additional external stressor. Personal resources are financial, education, health and psychic resources. Perception of the seriousness of the crisis is a crucial

factor, i.e.; does it make sense and does it fit into one's sense of reality.

Crossman and Edmondson looked at "Employment experience, currency of job skills, and perception of past employment experience as personal resources in divorce" (p. 467). Their sample (N 50) was primarily middle-aged divorced or widowed women. They classified their sample as rapid reorganizers or slow reorganizers. Those divorced women who were rapid reorganizers were employed, younger, more educated, had regular support from their ex-spouses, were employed before and during marriage, had no help from family and had very good health. Slow reorganizers were more likely to have been previously divorced and lacked personal resources. It was found that past employment experience did not make re-entry any easier and "A response to be effective must be specific to the situation" (p. 472). In other words, some work experience to have something to fall back on was not a resource. The most pertinent personal resource was control over their own finances. Jobs that provided extra income in low paying, dead end jobs while married would not sustain them when divorced. Support that was received was almost exclusively emotional, was not financial, and did not affect speed of reorganization. The crisis was prolonged for women whose income fluctuated from month to month. Crossman

and Edmondson (1985) concluded there was very little support for divorced women from kin and if any did occur, it was moral not financial.

Psychological Adjustment as Related to Lifestyles and Roles

Most previous work on adult female personality has been for sex role and achievement motivation studies with diverse and contradictory results. Other studies have compared the psychological adjustment of homemakers to employed women and, while early studies found homemakers to have worse psychological adjustment, more recent studies have found no significant difference. "Adult female personality is one area of feminine psychology in which we, as yet, have only very limited knowledge of either an empirical or theoretical nature" (Erdwins & Mellinger, 1984, p. 390).

Erdwins & Mellinger (1984) compare a total of 160 women in 4 groups in their study: homemaker, married/career, single/career, and re-entry student on a number of dimensions: self-esteem, loss of control, achievement and affiliation needs, and indices of psychological adjustment. The primary difference was found not to be age but role and employment status.

> Homemakers describe themselves as more conscientious, dependable, concerned with interpersonal relationships, and also as feeling more controlled by external

> circumstances. Thus the gestalt here is of a woman whose life is more directed toward others and more rule- or convention-oriented than her employed counterpart. (p.394)

In contrast, both single and married career women are more optimistic and feel more in charge of their lives. "The married/career women ... emerge as being more compliant and less oriented toward independent decision making and achievement than the other role groups" (p. 394).

The students felt less control over their lives as the homemakers did, but differed in that they were "more concerned with independent activity and achievement" (p.394).

Indicators and Results of Marital Disruption

In their research on marital disruption, Morgan and Rindfuss (1985) found that

> Role differentiation increases with length of marriage; emotional intimacy and satisfaction from it decline over the first decade or more of marriage; economic stability and resources increase with length of marriage, but resources in relation to need may not, due to childrearing costs; and husband's career success causes increased role differentiation, which leads to a loss of emotional gratification and a decline in marital satisfaction. (p. 1055)

They found that "... three categories of factors hold marriages together ... (1) positive rewards within the marriage; (2) barriers to the disruption of marriage; and (3) alternative sources of satisfaction in the case of disruption" (p. 1055).

With no-fault divorce laws and the social acceptance of divorce, the barriers to disruption of marriage have lessened although the stress does not appear to have decreased. The issues have moved from moral ones to economic ones. Childhood socialization has not prepared many women to be autonomous career women and the result is severe social, economic and psychological dislocation.

Weitzman (1985) found that

> One ironic result of the fact that most divorced women begin their post divorce lives with a long list of negatives - less money, inadequate vocational skills, low self esteem, heightened anxiety and stress, and great fear of the future - is that they are likely to find their lives after divorce better and more satisfying then they anticipated. (p. 345)

Weitzman's research also indicates that, in spite of the pervasive economic difficulties, a portrait of resilience and resourcefulness also emerges. Even older homemakers who suffer the greatest financial hardships after

divorce (and who feel most economically deprived, most angry, and most cheated by the divorce settlement) say they are "personally" better off. Many are proud of their skills, of their support network, and of taking control of their lives. They feel free for the first time in their lives to focus on themselves.

In Weitzman's (1985) research, when the women were asked what the best thing was that they had done for themselves since the divorce, their responses indicated they felt more whole, liked themselves better, were happier, learned how strong they were, found their children and friends were there for them, and they have become more independent. The worst things were the legal and financial problems, not having any money, and having to rely on their children economically, still feeling bitter about losing everything, the worry about their economic future and medical expenses.

Fischman (1986), in his review of Wallerstein's study of 52 middle class couples, comments that "divorce is a painful experience, but it was thought time heals all wounds" (p. 14). Unfortunately, this study demonstrates that time does not necessarily heal all wounds.

For older women, life appears grimmer. Of the 12 women who were 40 years or older at the time of the break-up, none had remarried or were involved in a stable

relationship. Most of these women had a mix of full- and part-time jobs as well as periods of unemployment during the previous 5 years (p. 14).

"Half of the older women were clinically depressed" and despite these difficulties only one would have returned to the previous marriage. "Overall, 40 percent of the women and almost 30 percent of the men remained very angry, and felt rejected and exploited 10 years later" (p. 14). Clearly the process of divorce, its impact on both men and women, but especially its impact on older women needs immediate attention, Fischman concludes (1986).

Literature Review Summary

The process and consequences of divorce have changed dramatically in the past 20 years. This major social trend has not been adequately addressed in public policy and research nor by industry. Resources have not been developed and the needs of women and children in divorce have not been addressed.

The passage of no-fault divorce legislation appears to have served men, especially older, professional men by releasing them from responsibility to their former family and has destroyed the economic security of the women and children involved. The result is the feminization of poverty.

Education is becoming increasingly important to re-enter

the job market, and an old degree is not a marketable resource. Many women do return to school after divorce, but rarely is this need taken into consideration in divorce settlements.

The assumption of the courts that all women can and must be economically self-supporting has impacted long-term homemakers especially hard. They experience multiple losses in the loss of lifestyle, husband, occupation, social standing, financial resources, and often home.

The women find themselves unemployed or under-employed and with a dramatically reduced standard of living. They experience age and sex discrimination. Financial stress becomes a constant in many women's lives as they struggle to meet their basic needs.

Credit is not given these women for their in-kind contribution to the marriage. They leave divorce with less than 50% of the assets, no maintenance, and with a very uncertain future.

The likelihood of marriage decreases with age and few of the women over 40 remarry.

Women are often not well represented by the legal system, do not understand it, and lack the money to use it effectively. The adversarial nature of the system is alien to women's socialization and value system and is

inappropriate. The result too often is that women are victimized rather than served by the legal and judicial systems. That victimization creates severe stress.

Numerous studies document the psychological and emotional stress of divorce. Sources of stress for women are described such as socialization, lack of support and self-esteem, different realities and values, and a history of abuse by men. Various models are discussed that clarify and describe the response to the divorce process and point out the differences for men and women.

In spite of the unjust treatment of women and the stresses they experience, most women are glad they are divorced, feel stronger, and like themselves better.

METHODOLOGY

This questionnaire study was designed to be a descriptive study of divorce for midlife women. Areas identified as relevant were education, economic, employment, legal, and psychological and emotional. The focus, while on women in general, was to address more specifically the experience and problems unique to midlife and older women whose careers had been primarily as homemakers.

Sample

The sample of divorced middle-aged women who were invited to participate in the study is not a random sample. Efforts were made to obtain a random sample through court records but although they are public records, they cannot be accessed unless each case is requested by its specific number. Efforts also were made to obtain a random sample through Working Opportunities for Women (WOW), the Twin Cities metropolitan displaced homemakers program. However, WOW records are kept for only a year and for purposes of this study, a sample was necessary that would include women who had been divorced for a longer period of time. Ultimately it became necessary to rely on volunteers for the study. The

intent was to have statewide distribution and to have volunteers from a variety of sources. A number of organizations were contacted as indicated in Table 1, which summarizes the sample demographics of those organizations selected to be part of the study.

The sample came from a variety of sources: a church, a singles group, a solicitation through the American Association of University Women (AAUW) in Minnesota, although the participants are not necessarily members of AAUW, and an announcement in a women's newsletter requesting volunteers.

The sample for this study consisted of 34 women between the ages of 40 and 65 who were divorced in Minnesota, whose careers had been primarily as homemakers, and who volunteered to participate in the study.

Eight of the participants, members of Plymouth Congregational Church in Minneapolis, were asked to participate by the senior minister at the request of the researcher. Two additional women completed the questionnaire, but since their divorces were obtained in another state, they were not included in the study.

Seven of the subjects were members of a Twin Cities singles group, Singles All Together. These women volunteered to participate as a result of an announcement made at one of their meetings by the researcher. Seventeen women

Table 1

Source of Sample

Source of Subjects	Distribution	Returned	Qualified	Percent
Plymouth Congregational Church, Mpls.	10	10*	8	23%
Singles All Together, Twin Cities Chapter	17	7	7	21%
MN Division American Assoc. of University Women	32	16*	14	42%
Minnesota Women's Consortium Newsletter	5	5	5	14%
	64	38	34	100%

Note. Four divorces were obtained in other states.

Table 2

Geographic Summary of Demographic Distribution

Source of Subjects	Hennepin & Ramsey Co.	Greater Minnesota	
Plymouth Congregational Church, Mpls.	7	1	
Singles All Together, Twin Cities Chapter	7	0	
MN Division American Assoc. of University Women	6	8	
Minnesota Women's Consortium Newsletter	3	2	
	23	11	N=34

volunteered and seven returned questionnaires.

Permission was granted by the Board of Directors of the Minnesota Division of the AAUW for a letter to be sent to the 50 branches requesting their cooperation in identifying volunteers. A letter was written to each of the 50 Minnesota branches in January 1986, asking them to identify women to participate in the study. Membership in AAUW was not a criterion for participation. Of the thirty-two names submitted, 16 women completed the questionnaire. Two of the 16 divorces were granted in another state and were not included in the study. Fourteen subjects were included in the study from AAUW.

The AAUW was the primary source for a sample from outside Hennepin and Ramsey Counties. The Minnesota Women's Consortium Newsletter also has statewide distribution and two subjects did come from that source. One came from Plymouth Congregational Church. Although 14 subjects came through AAUW, more had been expected. The lack of anonymity in small towns appears to have been a deterrent to participating in the study. Of those eleven divorcees from greater Minnesota, three were from the Duluth area and four were from counties close to the metropolitan area. Three women who were divorced in other counties moved to the metropolitan area after their divorces. Table 2 summarizes the geographic

distribution of the sample.

Five additional participants responded to an announcement in the newsletter of the Minnesota Women's Consortium.

A total of 63 questionnaires was sent out and 38 (60.3 percent) were returned. Four of the 38 were not included because the divorces were granted in another state. Therefore, there is a sample of 34 (N=34) in the study.

The sample for this study consists of women from long-term marriages which typically have more assets and higher socio-economic status. The majority of the husbands were professionals and highly educated and the majority of the women had a college education.

Questionnaire Design

A questionnaire was designed in consultation with a number of people with expertise in the area of divorce, mental health and questionnaire design. Included in this list were professors at the University of Minnesota, lawyers, therapists, and researchers with questionnaire design experience at the University of Minnesota and The Minnesota Commission on the Economic Status of Women. Permission was granted from the University of Minnesota Committee on Human Subjects for the study.

The questionnaire was piloted on five women who fit the

sample description to clarify the items and focus and to check for accuracy and relevancy.

The questionnaire was mailed out in May 1987, and responses were requested by June 9, 1987. Follow up postcards for additional responses were mailed out June 20, 1987.

The packet sent to each volunteer consisted of the questionnaire, a cover letter and a post card to be returned if the participant was willing to participate in an in-depth interview at some future date. Sixteen post cards (47 percent) were returned. A follow-up postcard was sent out for those questionnaires not returned on time. Copies of all items in the packet are in Appendix B.

Education, economic and employment, legal and psychological and emotional issues were selected as most relevant to this study. Other areas such as health, housing, and care-giving to adult children and parents were also important. However, because it was necessary to set some limits not all areas that were relevant to midlife women in divorce could be adequately covered within the scope of a Plan B Master's paper.

Education was selected because of the importance of documenting the value of education in today's job market for midlife women who face a depressed job market and age and sex

discrimination. It was also considered important to document the type and level of education of the women and its value in view of the court's assumption that a degree obtained 20 or 30 years ago still has economic value in today's job market.

Employment and economics are closely connected and are directly related to the women's financial circumstances after divorce. It was considered relevant to document the actual experiences of women attempting to re-enter the job market or to enter it for the first time at midlife with little or no work history.

Experiences with the legal and judicial systems were identified as relevant to the study in view of the decision-making power these systems hold to determine midlife homemakers' future, the level of dissatisfaction expressed by many women with their experiences with the legal and judicial systems, and the lack of feedback those systems appear to receive on the consequences of their decisions. The passage of no-fault legislation in the 1970's dramatically altered the divorce process, and outcomes and data were needed to document the impact of that legislation in Minnesota.

The psychological and emotional area was considered relevant because of the enormous stress a sexist divorce process creates for women who are often victimized by the process. The human component is routinely ignored by the

legal and judicial systems even though doing so has a debilitating effect on the ability of the women to function competently during and after the divorce.

The data are analyzed in Chapter 4, using descriptive statistics involving ranges, means, modes, frequencies and percentages.

Chapter 4

ANALYSIS OF DATA

The purpose of this study was to gather data on the divorce experience and the subsequent life of women 40 to 65 years of age who had been primarily homemakers. This age group was selected because of the belief that some of the issues would be different for this age group than for younger women, because this population of women had been especially devastated in multiple ways, and because this age group had been neglected in public policy, research, and by industry. More research and data were needed to identify the issues and initiate changes to address those issues. The rules of marriage had changed since this population of women had been married 20 to 30 years previously, and no-fault divorce legislation which swept the country in the 1970s had dramatically altered the process and consequences of divorce.

Education, employment, economics, legal, and psychological and emotional experience and history were selected for inclusion in this study and are analyzed in this chapter.

Demographics

The 34 women in the sample range in age from 40 to 65

years with a mean age of 51 at the time of the study in 1987. The mean number of children of these women was three, with a range from one to seven. These children, at the time of the study, ranged from 15 years to 41 years of age with a mean of 26 years. Eleven of the 103 children in the sample were minors in 1987.

The women in the sample were married a mean of 21 years with a range from 8 to 30. The mode was 30 with 5 respondents. The mean length of time since the divorce was 7 years with a range from 1 to 19 years.

The women have three different marriage patterns: one long-term marriage; a short-term marriage and then remarriage into a longer term marriage; and a long-term marriage followed by a short-term marriage. The data on marriage patterns is summarized in Table 3. In all cases, the longer term marriage is the one included in this study.
Eleven of the women have had more than one marriage. Of the 19 men who remarried after the marriage considered in this study, six remarried in less than a year, eight remarried between one and two years, and the remaining five remarried later than the second year. Of the eleven women who remarried, two remarried in less than a year, five between one and two years, and four remarried later than the second year. The women tended to remarry less often, to be

Table 3

Marriage Patterns of Sample

Marriage In Years	Range	Mean	Frequency	Percent	Age at Divorce
Length of marriage of sample as whole	8-30	21.0	34	100.0	45.4
One marriage only	8-30	22.4	23	67.6	46.9
Short-term first marriage & Long-term second marriage	5-9 11-20	6.3 15.0	3 3	9.0 9.0	26.3 44.0
Long-term first marriage & Short-term second marriage	12-30 4-5	19.9 4.5	8 2*	23.5 5.9	41.5 48.5

Note. *Six of the second marriages after the long-term first marriage are still intact.

Table 4

Summary of Data on Remarriage for Women and Ex-Spouse

Length of Time Until Remarriage	Within 1 Year		Between 1 & 2 Years		Later Than Second Year		Totals	
	Freq/%		Freq/%		Freq/%		Freq/%	
Women	2	18.2	5	45.4	4	36.4	11	32.4
Spouses	6	31.6	8	42.1	5	26.5	19	56.0

younger when they remarried, and to delay the second marriage longer. Table 4 summarizes the remarriage data.

Education

The level of education of this sample was higher than the national average. The mean educational level was 15.6 years with a range from 12 to 19 years. Nineteen of the women had four-year degrees and six had master's degrees.

The level of education of the ex-husbands of this sample also was higher than the national average. This was a highly educated, professional population of men. The mean level of education was 16 years with a range from 10 to 19 years. Several of those with little education were very successful entrepreneurs. Seven of the men had four-year degrees, seven had masters' degrees, and 12 had other professional degrees. Table 5 summarizes this education data.

The women's degrees were in typical women's fields such as nursing, medical technology, education, social work, music, home economics, art, and English. The six women with master's degrees were also in typical women's fields such as nursing, art, philosophy, recreation management, English, and family economics.

The men's degrees were in law, dentistry, engineering,

Table 5

Comparison of Education Level of Women and Ex-Spouse

	Frequency	Percent
Women		
4 year degree	19	56.0
Master's degree	6	17.6
Total	n=25	73.6
Spouse		
4 year degree	7	20.6
Master's degree	7	20.6
Professional degree	12	35.3
	n=26	76.5

Note. Range for Women was 12 to 19 years with a mean of 15.6 years. Seven women interrupted their education to support their husband's education or career. Range for Men was 10 to 19 years, with a mean of 16 years.

science, aviation, education, public administration, psychology and accounting.

A number of the women interrupted their own education to assist their husbands in establishing their careers. In keeping with the expectations of the original high level of education, half of the sample of women have returned to school since their separation and divorce. Five women were in graduate school, another five in four-year programs, one in a community college and six in other types of education. Eight of the 17 who have returned to school have completed the education. An additional six women indicated they intended to return to school in the future. The educational history data is summarized in Table 6.

Employment

These women followed the typical employment pattern to be expected of a population of women who grew up in the 1940's and 1950's. They worked a few years when they were young and then became homemakers as they raised their children and supported their husband in his career. They considered their contributions as homemakers to be of equal value to their husbands' financial contributions, and they did not expect to ever have to be financially self-supporting. Also, as would be expected, a number of the men objected to their wives working outside the home. Table 7

Table 6

Summary of Educational History of Women Who Have Returned to School Since Their Divorce

Educational Status	Frequency	Percent
Returned to school since divorce	17	50.0
Graduate school	5	14.7
4 year program	5	14.7
Other Education	6	17.6
Community college	1	3.4
Completed additional education	8	47.0
Intend to return to school in the future	6	17.6

Note. Subjects checked more than one item. Totals are more than N-34 and 100%.

summarizes data on their attitudes toward employment.

Three of the women had no work history and another nine had fewer than five years total work history. They were primarily homemakers, and their employment was more part-time than full-time. Their primary commitment was to home and family and not to a career. They were homemakers exclusively for a mean of 13 years, were employed part-time for a mean of 5 years, and were employed full-time for a mean of 2.7 years. Only one woman was permanently employed during her marriage.

Discrimination was seen as a factor by fourteen of the 28 women who were in the job market and often more than one discriminatory practice was cited. Discrimination data are summarized in Table 8.

Only 9 of the women were employed full-time at the time of separation, 15 were not employed at all, and 10 of the women were employed part-time. The mean length of time employed since the divorce was four years and the mean length of time divorced was 7 years. This indicates considerable time out of the job market, suggesting their marginal status in the job market and their difficulty in finding and keeping employment. Even though the women have experienced a mean of three years out of the job market since their separation, they averaged only three months from the date of separation until they began work. This would support the data in the

Table 7

Summary of Women's Attitude Toward Their Contribution as Homemakers and Toward Employment and Ex-Spouse's Attitude Toward Employed Wives

Issue	Frequency	Percent
Equal value to their contribution as homemaker	31	91.0
Did not expect to be financially self-supporting	30	88.0
Ex-Spouse objected to wife working outside the home	12	35.5

Table 8

Summary of Data on Perceived Discrimination by Women

Type of Discrimination	Frequency	Percent
Experienced age discrimination	14	41.2
Not qualified	11	32.4
Low salary quoted	7	20.5
Told would not fit in	3	8.8
Job qualifications distorted	4	11.8

Note. Subjects checked more than one item. Totals more than n=14 and 100%.

Table 9

Summary of Women's Employment Status at Separation and Present Time

Work Status	Time of Separation Frequency	Time of Separation Percent	Present Time Frequency	Present Time Percent
Full-time work	9	26.0	18	52.9
Part-time work	10	29.4	10	29.5
Unemployed	15	44.1	6	17.6
	34	100%	34	100%

Table 10

Occupations of Subjects at Present Time

Occupation	Frequency	Percent
Clerical and other non-professional	12	35.3
Non-profit and service	8	23.5
Management	3	8.8
Education	5	14.7
	n=28	82.3

Note: 6 (17.7%) of the women were not employed.

literature review which documents that women tend to take any job available. Table 9 summarizes the employment status of the women at the time of separation and at the present time.

The 18 women employed full-time at the present time had a mean annual salary of $23,444 with a range from $14,000 to $40,000. Information was not available to define a mean or range for the ten who were employed part-time since they listed only an hourly wage such as $5.75 or a monthly total such as $898 or $1240, and the number of hours varied from 8 to 40 hours a week. Two women who were self-employed also listed themselves as being employed part-time. Another two women were working as temporaries. Occupations of the women at the present time are listed in Table 10. Even though there is an unusually high level of education in the sample, 12 are in clerical or other non-professional occupations and another 8 are in non-profit or service occupations. Only 3 women are in management positions.

Even with the obvious underemployment, there was a high level of satisfaction expressed on the Likert scale which assessed levels of satisfaction and dissatisfaction associated with the women's employment. Table 11 indicates the levels of satisfaction and dissatisfaction. However, information in the comments section of the questionnaire indicates that 18 of the women are dissatisfied in some

Table 11

Level of Satisfaction with Employment

Level	Frequency	Percent
Very satisfied	9	32.1
Somewhat satisfied	9	32.1
Neutral	6	21.4
Somewhat dissatisfied	2	7.1
Very dissatisfied	2	7.1
	n=28	100.0

respect such as low pay, underemployment or no advancement opportunity, and feel the stress of no retirement, age discrimination, financial difficulties, or the loss that cannot be recovered from being out of the job market for many years. This appears to suggest the women are not as satisfied with their employment as the level of satisfaction expressed on the Likert scale indicates.

Economic

This was a population with far above average financial resources before the divorce. The mean annual family salary before the divorce was $52,380 and the contribution of the women was very small at 12.9 percent. The average hourly wage of the women was $3.08 with a range from $3.00 to $13.00. The change in the economic status of the women has been dramatic. The mean present annual income for the women is $20,800 and for the men $55,300. A mean of 1.4 persons live on the $20,800 income. The women's income is 37.7 percent of that of their former husbands' income. History of earnings is summarized in Table 12.

Sixteen of the women made comments indicating economic stress in the comments section, six other women had resolved their economic problems through remarriage, one woman was successful in her career, five were living comfortably on investments, and six women made no comment. Of the 16 women

Table 12

History of Earnings per Year for Family, Women, and Ex-Spouse

Earnings	Range	Mean
Family income at separation	$12,000 - $211,000	$52,380
Women's contribution to income	0 - 27,000	6,760
Lowest gross income of of women since divorce	1,000 - 27,000	11,020
Highest gross income of of women since divorce	7,000 - 48,000	20,400
Average gross income of of women since divorce	6,000 - 32,000	14,170
Present gross income of of women	11,000 - 40,000	20,800
Estimate of ex-spouse's present income	13,000 - 230,000	55,300

Note. 26 women who are employed are included in computing lowest, highest, average and present income.

who did comment, responses included feeling the loss of benefits they had worked for, giving up of cultural and educational activities, having to sell home, only one year of maintenance, no financing for college for children, financial instability and struggle, little child support, children angry at the change in lifestyle, standard and quality of living decreased, anger over the difference in former husbands' present salary and lifestyle and theirs, employment worries and uncertainties, inability to make up for being out of the job market for so long, inability to keep up with household and maintenance expenses, and ex-husband not paying his share.

Sources of income other than earnings are summarized in Table 13. The eight women who were receiving maintenance had a range from $350 to $3000 a month. Only one woman received $3000 monthly and the next highest received $1000. It is assumed maintenance was temporary since permanent maintenance was rarely awarded. Only four women in Minnesota received permanent maintenance in 1986. The "other" category as a source of income breaks down into 4 with earnings from investments, 2 remarried, 3 inheritances, and 1 gifts from parents for a total of 10.

Sources of future retirement income are summarized in Table 14. Only five will receive income from their ex-

Table 13

Present Sources of Income Other Than Own Earnings

Source	Frequency	Percent
Maintenance	8	27.6
Child Support	6	20.6
Savings	8	27.6
Rental Income	4	13.7
Other	10	34.5

Note. Subjects checked more than one source. Totals are more than N=34 and 100%.

Table 14

Estimated Sources of Retirement Income

Source	Frequency	Percent
Own Social Security	24	70.7
Ex-husband's Social Security	20	58.8
Own pension	12	35.3
Ex-husband's pension	5	14.7
Savings & investments	20	62.5
Other	7	21.8

Note. Subjects checked more than one source. Totals are more than N=34 and 100%.

husbands' pensions which could suggest the pension was exchanged for something else: commonly the house, as Weitzman (1985) indicates. Comments in the legal section indicate their lawyers neglected to include it or told them it was not an option in splitting assets. Savings and investments figure strongly, and suggest good money management skills by these women, skills that are often gained managing a home and family. Earnings from one's own Social Security can be expected to be small because of the short time in the work force and the low salaries. They will be eligible for only half of their ex-husband's social security until he dies. To rely on that would predict poverty for these women when they retire. Twelve of the women are expecting some earnings from their own pensions. Again, in view of the short work history and low earnings, a low pension income would be predicted.

Legal

A five-point Likert scale was used to assess the degree of satisfaction and dissatisfaction with the divorce experience. The women tended to be more satisfied in believing they were prepared for and understood the divorce process. Attitudes were more neutral toward legal costs of the divorce and attitudes, and the women were more dissatisfied with the terms of the divorce, the discovery process and attitudes of the judges. This information is

summarized in Table 15.

Comments indicated inadequate representation even when the client had checked satisfaction with representation. in one case, a woman checked satisfaction even though she did not know she could appeal. Several other women also did not know they could appeal their decision. Consideration of the pension was left out in several cases, and the splitting of the assets left the women at a clear disadvantage in several cases.

Comments were made to the effect that the women got tired and had no strength to continue, just wanted it over, felt threatened, or lawyers were causing more problems. Several women made comments indicating they did the divorce themselves and told the lawyer what they wanted. Others were enormously grateful to be free, felt that custody of children was primary and one was very satisfied with her attorney. Comments regarding husbands were that they lied, got nasty, and increased costs through non-cooperation. Comments about judges were that they were passive, bored, disinterested and disregarded the women's interests. One woman commented to the effect that it took such a few minutes to end such a long marriage.

Six (17.6 percent) of the divorces occurred before no-fault legislation. Three of those women have remarried.

Table 15

Level of Satisfaction/Dissatisfaction with the Divorce Experience

	VS Freq/%	SS Freq/%	N Freq/%	SD Freq/%	VD Freq/%
Understood & prepared for the process	8 24.2	13 39.4	3 9.11	5 15.2	4 12.1
Attorney kept me informed	11 32.4	6 17.6	5 14.7	7 20.6	5 14.7
Legal representation	9 27.7	7 21.15	2 6.0	8 24.2	7 21.2
Divorce costs	11 33.3	5 14.7	8 24.1	3 8.8	6 18.1
Terms fair	7 21.6	5 14.7	5 14.7	12 35.3	5 14.7
Judge informed & sensitive	6 21.4	3 10.7	9 32.1	5 17.9	5 17.9
Discovery process worked	3 12.5	1 4.2	10 42.0	2 8.3	8 33.3
Totals:	55 25.0	40 18.3	40 19.2	42 19.2	40 18.3

Note. VS = Very Satisfied
SS = Somewhat Satisfied
N = Neutral
SD = Somewhat Dissatisfied
VD = Very Dissatisfied

Mean length of these first marriages was 14.8 years and mean age at divorce was 41.3 years, indicating they were shorter term marriages and that the women were younger than others in the sample. It also suggests that longer term marriages were more likely to end in divorce after no-fault divorce legislation changed the rules, and costs for older professional men decreased as Weitzman (1985) documents.

The length of time from separation to divorce ranged from three months to six years with a mean of 17.8 months. Table 16 summarizes the length of time from separation to divorce and relates it to the length of the marriage. Agreement was reached without trial for 25 (73.5 percent) of the women. It was a first experience with the legal system for 25 (73.5 percent) of the women, as shown in Table 16.

Costs of the initial decree ranged from 0 to $60,000 with a mean of $6,026. However, for twelve of the women the costs were under $1000, for eleven the costs were between $1000 and $5000, and for five women costs were over $10,000. In none of those five cases did the costs include an appeal. This suggests extensive legal action to reach agreement in those five cases. Six of the women did not remember the costs or their husbands paid them and they did not know the costs. Table 17 summarizes the costs of the divorce. There were no divorce costs between $5000 and $10,000 where the

Table 16

Length of Time from Separation to Divorce Decree and Length of Marriage

Length of Time	Freq	Percent	Mean Length of Time	Mean Length of Marriage
Less than 1 year	15	44.1	5 mo.	21.3 yrs.
1 to 2 years	11	32.4	1 yr. 5 mo.	23.5 yrs.
3 to 6 years	8	23.5	3 yr. 4 mo.	20.4 yrs.
	N=34	100%		

Table 17

Costs of Divorce

Cost	Number	Mean Amount	Percent
Less than $1000	12	$ 490	42.9
$1000 - $5000	11	2,036	39.3
$10,000 - $60,000	5	34,400	17.9
	n=28		100.0%

Note. There were no costs between $5,000 and $10,000.

majority could be expected to fall. The result is not a normal distribution of costs and demonstrates why cost of the divorce was not an issue with this sample.

In 21 (62.3 percent) of the cases the woman herself paid the cost of the decree. In 4 cases the husband paid all costs and in 8 cases both paid the divorce costs.

Two women appealed their divorce decrees, and 10 have taken other legal action. Additional legal costs to the subjects were a mean of $1,013, with a range from 0 to $10,000.

The subjects exercised a variety of options regarding legal and other professional services as summarized in Table 18. Five women shared an attorney with their husband, 3 used mediation unsuccessfully, 10 changed lawyers, some more than once, 15 used a financial consultant, and 10 used a career consultant. Twenty-three (57.3%) of the attorneys were male, and 26 (76.5%) of the judges were male. The options exercised are summarized in Table 18.

Major conflicts in the divorce were over maintenance, marital property division, child custody, child support, pension, and health or medical coverage. Table 19 summarizes these major sources of conflict. Eighteen of the women received maintenance, 22 child support, 27 marital property. Table 20 summarizes content of award decree. Fifteen of the

Table 18

Options Exercised by Women Regarding Legal and Other Professional Services

Option	Frequency	Percent
Shared an attorney	5	20.8
Used mediation	3	12.5
Changed lawyers	10	41.7
Used financial consultant	15	62.5
Used career consultant	10	41.7

Note. Subjects checked more than one option. Totals are more than N=34 and 100%.

Table 19

Major Sources of Conflicts in the Divorce Process

Source	Frequency	Percent
Maintenance	17	60.7
Child support	14	50.0
Child custody	6	21.4
Property division	17	60.7
Pension	8	28.6
Medical coverage	7	25.0
Other	2	7.1

Note. Subjects checked more than one source. Totals are more than n=28 and 100%.

Table 20

Contents of Divorce Decree

Awarded	Frequency	Percent
Maintenance	18	54.5
Child support	22	66.6
Child custody	18	54.5
Medical coverage for self	5	15.2
Medical coverage for children	16	48.5
Marital property	27	81.8

Note. Subjects checked more than one source. Totals are more than n=33 and 100%.

Table 21

Sources of Non-Compliance with Decree

Source	Frequency	Percent
Maintenance	7	43.7
Child support	6	32.5
Medical insurance	2	12.5
Marital property	5	31.3
Pension	1	6.3

Note. 16 men were in non-compliance. Subjects checked more than one item. Totals are more than n=16 and 100%.

husbands have complied with the divorce and 16 have not. Three subjects did not answer the question. The major causes of non-compliance were maintenance, child support, and marital property division. Table 21 summarizes the data on non-compliance.

Fourteen (41.2 %) of the women wanted the divorce at the time of separation and 20 did not. In retrospect, 28 (82.4%) of the women believe the divorce was the right decision. The separation and divorce were initiated by 18 (52.9%) of the men and 16 (47.1%) of the women.

Psychological and Emotional

Factors assessed as contributing to the break-up of the marriage by the women were psychological abuse, another relationship (four of those other relationships were homosexual ones), chemical abuse, and physical abuse. Table 22 summarizes factors contributing to marital breakup.

The women were asked a series of questions concerning their sense of well-being. Issues assessed were more, same or less sense of control of their lives, ability to act on their own behalf, satisfaction with life, self-esteem and confidence, and financial security. Table 23 summarizes data comparing sense of well being at time of separation and at present time. The "n" value in the table indicates the number of women answering each question.

Table 22

Factors Contributing to Marital Break-Up

Factors	By Self Frequency	By Self Percent	By Spouse Frequency	By Spouse Percent
Psychological abuse	2	5.9	27	79.4
Another relationship	2	5.9	19	55.9
Chemical abuse	4	11.8	13	38.2
Physical abuse	0	0.0	3	8.8

Note. Subjects checked more than one source. Totals are more than n=32 and 100%.

Table 23

Sense of Well-Being Comparing at Separation and Divorce to Present Time

Issue	Less Freq	Less %	Same Freq	Same %	More Freq	More %
Control of own life N=34	2	5.9	2	5.9	30	88.2
Ability to act in own behalf N=34	0	0.0	2	5.9	32	94.1
Satisfaction with life N=34	4	12.0	3	8.8	27	79.4
Sense of self-esteem N=34	6	17.6	2	5.9	26	76.5
Financial security n=32	20	58.8	2	5.9	10	29.4

Questions were asked of the subjects regarding their satisfaction with the support they received from children, siblings, parents, friends, church and professional helpers both during the separation and divorce and at the present time. Tables 24 and 25 summarize data on sources of support. Friends, children and professionals were rated highest in levels of support received at the time of separation and divorce. At the present time friends and children were rated highest as sources of support. In both instances the church was seen as the least source of support. The question regarding level of support from parents at present time was inadvertently left off the questionnaire and cannot be analyzed.

The women were asked to rate the relationships of their children with their father both at the time of separation and divorce and presently. These ratings were on quantity of time, quality of time, mutual respect, and financial support. The results of these questions are shown in Tables 26 and 27. The relationships overall have become less satisfactory.

Subjects also were asked to rate themselves on a number of psychological and emotional issues they experienced during separation and divorce and at the present time. Issues involved were loneliness from loss of family, friends, other relationships and traditions; sense of failure, shame,

Table 24

Sources of Support and Degree of Satisfaction/Dissatisfaction During Separation and Divorce

Source	VS Freq	%	SS Freq	%	N Freq	%	SD Freq	%	VD Freq	%
Children n=33	16	47.1	6	17.6	6	17.6	1	3.0	4	11.8
Siblings n=26	12	35.3	4	11.8	7	20.6	1	2.9	2	5.9
Parents n=28	15	44.1	6	17.6	3	8.8	3	8.8	1	2.9
Friends N=34	21	61.8	8	23.5	3	8.8	0		2	5.9
Church n=29	6	17.6	9	16.5	7	20.6	0		7	20.6
Professional n-31	16	47.1	7	20.6	3	8.8	4	11.8	1	2.9

Table 25

Sources of Support and Degree of Satisfaction/Dissatisfaction at Present Time

Source	VS Freq	%	SS Freq	%	N Freq	%	SD Freq	%	VD Freq	%
Children n=33	21	6.8	8	23.5	2	5.9	2	5.9	0	
Siblings n=24	11	32.4	4	11.8	5	14.7	2	5.9	2	5.9
Friends n-31	23	67.0	7	20.6	1	2.9	0		0	
Church n=28	9	16.5	10	29.4	5	14.7	5	2.9	3	8.8
Professional n=18	18	23.5	3	8.8	4	5.9	4	5.9	1	2.9

Table 26

Level of Satisfaction/Dissatisfaction with Relationship of Children to Father During Separation and Divorce

Issue	VS Freq	%	SS Freq	%	N Freq	%	SD Freq	%	VD Freq	%
Quantity of time n=28	2	5.9	8	23.5	4	11.8	7	20.6	7	20.6
Quality of time n =28	2	5.9	10	29.4	3	8.8	6	17.6	7	20.6
Mutual respect n=28	2	5.9	7	20.6	8	23.5	6	17.6	5	14.7
Financial Support n=27	1	2.8	10	29.4	4	11.8	6	17.6	6	17.6

Table 27

Level of Satisfaction/Dissatisfaction of Relationship of Children to Father at Present Time

Issue	VS Freq	%	SS Freq	%	N Freq	%	SD Freq	%	VD Freq	%
Quantity of time n=26	6	17.6	1	2.9	4	11.8	7	20.6	8	23.5
Quality of time n=26	7	10.6	0		5	14.7	8	23.5	6	17.6
Mutual respect n=26	8	23.5	0		3	8.8	9	26.5	6	17.6
Financial support n=24	3	8.8	5	11.6	2	5.9	6	17.6	8	23.5

humiliation, fear, sense of being victimized, anger, depression; difficulty with social and sexual life; sense of joy and happiness, hope; sense of freedom; excitement of new relationships and friends; and developing a career. Results of these data are in Tables 28 and 29. The number of women answering each question is indicated by the "n" value.

Major issues at the time of separation and divorce were loss of traditions, sense of failure, fear, anger, feeling victimized, depression, and developing a career. Least important issues were friends, shame, and difficulty with sexual life. Major issues at the present time that are very important are career and sense of freedom. All of the other issues appear to have been worked through by the women.

Some preliminary data were gathered on whether helping professionals were engaged, the level of satisfaction with that service, and the sex of the helping professional. Twenty six (76.5%) used the services of a helping professional, and 21 (58.8%) were satisfied with the services received. In 14 cases the sex of the helping professional was male, and in 7 cases female. Five women had used services of both male and female helping professionals. The sex of the helping professional did not appear to be an issue.

The women were asked if they believed they had completed

Table 28

Level of Importance of Psychological and Emotional Issues During Separation and Divorce

Source	Not Important Freq	%	Moderately Important Freq	%	Very Important Freq	%
Loneliness from loss of						
Family n=30	10	29.4	10	29.4	10	29.4
Friends n=30	16	47.1	7	20.6	7	20.6
Other relationships n=26	9	26.5	13	38.2	4	11.8
Traditions n=32	2	5.9	15	44.1	15	44.1
Sense of Failure n=31	5	14.7	9	26.5	17	50.0
Shame n=32	15	44.7	8	23.5	9	26.5
Humiliation n=31	9	26.5	15	44.1	7	20.6
Fear n=32	4	11.8	10	29.4	18	52.9
Victimized n=32	7	20.6	10	29.4	14	44.1
Anger n=32	1	2.9	9	26.5	22	64.7
Depression n=30	4	11.8	11	32.4	15	44.1
Difficulty with social life n=32	9	26.6	17	50.0	6	17.6
Difficulty with sexual life n=32	16	47.1	7	20.6	9	26.5
Joy & happiness n=30	4	11.8	15	44.1	11	32.4
Hope n=29	4	11.8	14	41.2	11	32.4
Sense of freedom n=31	9	26.7	12	35.3	10	29.4
Excitement of new relationships & friends n=28	10	29.4	11	32.4	8	23.5
Developing a career n=29	8	23.5	8	23.5	13	38.2

Table 29

Level of Importance of Psychological and Emotional Issues at Present Time

Source	Not Important Freq	%	Moderately Important Freq	%	Very Important Freq	%
Loneliness from loss of						
Family n=30	21	61.8	7	20.6	2	5.9
Friends n=30	22	64.7	7	20.6	1	2.9
Other relationships n=28	16	47.1	10	29.4	2	5.9
Traditions n=32	13	38.2	14	41.2	5	14.7
Sense of Failure n=32	19	55.9	10	29.4	2	5.9
Shame n=31	25	73.5	6	17.6		0
Humiliation n=29	24	70.6	3	8.8	2	5.9
Fear n=31	18	52.9	11	32.4		0
Victimized n=31	16	47.1	8	23.5	7	20.6
Anger n=31	13	38.2	12	35.3	6	17.6
Depression n=31	17	50.0	12	35.3	2	5.9
Difficulty with social life n=31	15	44.1	12	35.3	4	11.8
Difficulty with sexual life n=31	20	28.8	5	14.7	6	17.6
Joy & happiness n=29	13	38.28	13	38.2	3	8.8
Hope n=28	12	35.5	10	29.4	6	17.6
Sense of freedom n=31	13	38.2	7	20.6	11	32.4
Excitement of new relationships & friends n=29	16	47.1	6	17.6	7	20.6
Developing a career n=30	11	32.4	5	14.7	14	41.2

this life transition. Twenty-four (70.6%) responded that they had, and 10 (29.4%) responded that they had not completed this transition.

The best thing these women believed they had done for themselves since the divorce was to discover themselves, learn to love, care for, nurture and know themselves, become independent, give up guilt and pleasing, have therapy, stay in their home, buy their own home, complete raising their children, develop new relationships and friends, get divorced, meet a new man, career success, start own business, move back to home town, develop their faith, and give up needing a man. Several commented that their new degree was the best thing they had done for themselves.

By far the most often made comment on their attitude toward women's issues was that they were more aware of them and they were more important. Also seen as very important was the need to be economically independent. There was more awareness of sexism, discrimination, and the feminization of poverty. There was admiration for independent women and a recognition that women need to work together. Others were discouraged by the lack of progress women have made, and still other comments blamed women for no-fault divorce laws.

The most often mentioned recommendation was for more support for women going through divorce on psychological and

emotional issues and education to understand the process. More maintenance and child support and educational benefits for themselves and the children were recommended. Also recommended was education for attorneys and judges, especially on financial issues and screening of judges for family court. Withholding of maintenance, automatic cost of living increases, medical coverage, and retirement benefits were recommended. Other recommendations were for more credit for supporting the ex-husband's education and career, that counseling be mandatory, the use of alternate dispute resolution processes, that the process not be rushed, more consideration of children's needs, getting rid of no-fault, and more access to and use of resources in the community.

Chapter 5

DISCUSSION

Summary

The purpose of this descriptive study was to gather a body of data on the needs of midlife and older women in divorce. By describing the needs and experience of a number of midlife women in Minnesota who had been divorced, a knowledge base could begin to be developed for this population of women. The study could serve to raise consciousness, influence public policy, and make visible the needs of this population of women. The study could also affirm the value of what women do as homemakers and their contributions to home and society.

The dramatic increase in divorce in the past 20 years, the changing attitudes toward divorce, the enactment of no-fault divorce laws, and the changing roles of women have created a major social trend which has not been adequately understood or addressed.

This is a population of women who have been care-givers and whose focus has been in supporting others in achieving their goals. As a result, they have been largely invisible and their needs and goals neither acknowledged or addressed. This is also a population of women who do not believe they deserve to receive or have their needs met. They were not

socialized to take care of themselves and they do not know how to take care of themselves. Therefore, this is a population of women especially dependent on others recognizing their needs and taking care of them. This has not happened, and their needs have been trivialized and ignored.

The focus of this study was midlife traditional homemakers in Minnesota aged 40 to 65 years who, after long-term marriages, found themselves going though divorce with its many attendant stresses and changes. Divorce is a traumatic experience and these women have been victimized in multiple ways.

This sample consisted of 34 women between the ages of 40 and 65 who were divorced in Minnesota. The sample had a statewide distribution with 23 women from Ramsey and Hennepin Counties and 11 from other counties. The sample came from a variety of sources: Plymouth Congregational Church in Minneapolis, a singles group, through the American Association of University Women, and through the Minnesota Women's Consortium. The women were contacted in a variety of ways: by announcement, by letter, and by a third person.

The women in the sample completed a questionnaire created by the researcher which dealt with the issues of education, employment, economics, legal services, and

psychological and emotional responses to divorce. A postcard was included with the questionnaire to identify those interested in a more in-depth interview at some future date. Seventeen postcards were returned.

The literature review, while it inevitably considers divorce in general, is specifically addressed to the needs of midlife and older women. Literature reviewed included the history of divorce and society's and the courts' changing response to it, and current trends such as changes in divorce law, in women's roles, and in public policy issues.

The review of the literature strongly supported the issues and needs identified in this study. Besides the more comprehensive studies of Weitzman (1981, 1985) and Shaw (1983), along with Shields' (1981) analysis of divorce for traditional homemakers, many studies address particular aspects of divorce in each of the identified areas of this study. It is this researcher's opinion that a sizeable body of literature exists which documents the divorce process and its consequence for women.

Findings

Descriptive statistics were used to analyze the data. The women in the sample were highly educated, with fifteen having four-year degrees. Their degrees had been earned many years ago and were in typical female fields. An old

education was not an asset when reentering the work force many years later, or for entering it for the first time after divorce. As would be expected of women with college degrees, many had returned to school after their divorce (Shaw, 1983).

The ex-husbands of the sample were professional, highly-educated men with high incomes. The socio-economic status of the sample during marriage was upper-middle and upper class. The women had contributed very little financially and had been primarily full-time homemakers.

The socio-economic class of the women changed dramatically after divorce, and their incomes were considerably less than half of what they had been during marriage. Being married to a wealthy man did not prevent poverty after divorce for these women. Their income was also used to subsidize adult children, further reducing their already-limited income. An average of 1.4 persons lived on a mean annual income of $20,800. Of those 28 women in the job market, 10 were still working only part-time a mean of 7 years after the divorce. This indicates that over one-third of midlife women did not successfully re-enter the job market, even when divorced as young as 44 years of age. The women tended to take a job immediately, any job they could get and, as a result, were underpaid and underemployed. They appeared to accept that as the best they could hope to

achieve. The average length of employment since the divorce was four years, indicating long periods of unemployment and erratic employment patterns. Investments and savings appeared to be the most reliable sources of present and future income. Those women not in the job market who were living on investments, savings or inheritances were the women who had moved through the post-divorce stress most easily and felt the most secure and at peace with themselves. The majority of the women continued to live with considerable financial stress. Their future retirement incomes are very small. Few had their own pensions and they will receive only half of their ex-husband's Social Security, which seems to assure them of future poverty.

The level of dissatisfaction with the legal and judicial systems was high. The highest level of dissatisfaction was with the terms of the divorce decree and with legal representation. Maintenance, property division and child support were major sources of conflict. Only half of the women received any maintenance even after long-term marriages, and it was the major source of noncompliance with the decree. Being awarded maintenance did not insure that it would be collected.

The costs of the initial divorce decree may be atypical. Twelve (43%) of the decrees cost less than $1000, there were

none between $5000 and $10,000, and only 5 (18%) cost over $10,000. Twenty-three of the divorces were obtained for less than $5000. It would appear there was minimal use of the legal and judicial processes for the majority of this sample. Most of the women paid their own divorce costs. There appears to be a lack of understanding of the legal process, and for 75 percent it was their first experience with the legal system.

Fewer of the women remarried than did their ex-husbands and they tended to wait longer to remarry. The younger ones were more likely to remarry. In the majority of the cases, the men initiated the divorce and, while the women did not want the divorce initially, they are now overwhelmingly glad to be divorced.

The major psychological and emotional factors contributing to the marital break-up were psychological abuse by the ex-husband, followed by another relationship, four of which were homosexual relationships. Chemical abuse was also an issue, but there was very little reported physical abuse in the sample. The data supports a very high incidence of psychological abuse in the marriages and indicates these women were replaced by new relationships.

The women feel better about taking control of their lives, enjoy the ability to act in their own behalf, find

satisfaction with life, and have a higher sense of self-esteem. They feel worse about their financial security.

Primary sources of psychological and emotional support were and continue to be friends and children. The church was seen as the least likely source of support.

The relationship of the children to their father had deteriorated since the divorce in quantity and quality of time and financial support. This was a population of adult children who were able to establish an independent relationship with their father.

Major psychological and emotional issues at the time of the divorce were loss of family and traditions, sense of failure, fear, anger, and depression. A present issue in virtually all cases is financial stress. The majority of the women had sought professional counseling and were satisfied with the service they received. The sex of the helper was not an issue.

In general, the women feel finished with the divorce, are pleased with their new sense of self and freedom, but feel fearful about their economic future.

Limitations

There were a number of limitations to the study including the small size of the sample, the unequal distribution of the sample, the lack of a random sample, and

the reopening of old wounds for the women who participated. Another limitation was other relevant areas not covered in the study.

The small size of the sample did not permit the kinds of analysis a larger sample would have permitted among the various sources of the sample, geographic locations, differing age groups, and education and employment backgrounds.

The unequal distribution did not permit comparisons between the Twin Cities area and greater Minnesota. As stated previously, the lack of anonymity in small towns appeared to be a factor in the willingness of women to participate in the study.

The lack of a random sample was a significant limitation. A random sample would have included all socio-economic levels and been more representative. However, a stratified sample of women between the ages of 40 and 65 from upper socio-economic classes is important to document because this is the population who have been especially hard hit by no-fault divorce laws and on whom less specific research has been conducted. Their husbands passed the no-fault legislation and are the judges they appear before and the attorneys who represent them (Weitzman, 1981, 1985).

Another limitation is the hurt and pain completing the

questionnaire engendered for the participants. While the researcher was aware that completing the questionnaire might open up old wounds, the hope was that it might also be a catharsis that brought closure. The reason many of the women gave for completing the questionnaire was that they "hoped it would help."

The study was also limited in not investigating contributions to the community which these women may have made. Volunteer work in the community is often a major part of these women's lives which contributes not only to their status but to the status of their husband.

Other areas not included which are an integral part of these women's reality is their role as care-givers, and housing and health care issues.

Conclusions and Implications

Given the limitations of the sample, data must be viewed tentatively as indicators that need further attention and research. However, the results of the study are strongly supported by the review of the literature.

One rationale given by public policy makers for ignoring the tragedy that has befallen the traditional homemaker is that they will soon be extinct. In other words, this is a problem unique to this generation and it will go away. However, homemaking is still the major occupation for women;

one-third of adult women are still not in the labor market, and 40 percent of women who work do so part-time. It is not a problem that is going to go away in the researcher's opinion.

Ignoring the needs and contributions of homemakers and the unjust divorce decisions that leave "mother" in poverty have made being a homemaker a very unwise choice for women. Trivializing the needs of a particular segment of the population or making them invisible is an indication of prejudice or bias.

The number of women between 25 and 30 who are still single has risen from 12 percent in 1980 to 28 percent in 1986 (LCEWS, 1988). This indicates that women are choosing not to marry in increasing numbers and suggests women are seeing marriage as less desirable.

If over one third of women who divorce at the age of 44 are unable to successfully enter the work force, there is going to continue to be a very large number of women who, because they put their families ahead of their own economic welfare, are going to live almost half of their lives in poverty.

Data indicate there will be 36 million women over the age of 65 between 1990 and 2010 in the United States, and 18 million of them will be in poverty and dependent on public

programs and funds for their income and needed services (U.S. Census Data, 1985).

With the extended life span of women currently at 78 years, a woman divorced at 44 years has 34 more years to live. On an immediate level, if these women cannot re-enter the labor market successfully and if they do not receive adequate maintenance, they will require vast outlays of funds to meet their basic needs in housing, health care, supportive services, food, and other necessities. Presently there are no programs addressing these needs and the only benefit they are eligible for is food stamps (Shaw, 1983).

The data in this study indicate serious problems with the terms of the divorce decree and with the treatment women receive from the legal and judicial systems. There is a need to give priority attention to the sexism of the legal and judicial systems (MSCTFGFC, 1989). The vote of the National Congress of Judges for every state to establish a task force to address bias in the system is recognition of the problems. While there are competent, sensitive judges and attorneys who responsibly represent women, the system itself does not support such behavior. Therefore it takes more energy and time, costs the women more, and results in burn-out for both women and attorneys in fighting the system (Weitzman, 1981, 1985).

There has been a reluctance by legislators, judges and attorneys, public policy bodies, researchers and industry to address this major social trend, according to the United States House of Representatives Commission on Aging (1978). These are the women without a voice who are not socialized to speak for themselves (Belenky, et al, 1986). With current budget crunches it is hard to convince any public body that this is a population worthy of attention and funding. Identifying with "fired" homemakers is like identifying with losers (Shields, 1983), and when such women do not assert their own rights, their needs are likely to be dismissed by those persons in power. Rosalie Wahl, Associate Justice of the Minnesota Supreme Court and Chair of the MSCTFGFC (1990), comments that stereotyping, devaluation and myths about the social and economic realities of women by the legal and judicial systems have harmed women.

This study demonstrates that an old college degree and unfocused, intermittent employment are not effective resources for women after divorce. Five years out of the work force (Shaw, 1983) puts the person in the re-entry category with no current relevant experience. The most prevalent type of discrimination these women face, according to the researcher's professional experience as a career counselor, is simply no response. They are screened out of

the initial interview and never become a part of the hiring process. This has implications for the kind of assistance women are going to need to enter the labor force after 20 years as a homemaker.

There is a need to address the issues of adequate maintenance and child support, educational expenses of adult children and the women themselves, lack of employment opportunities, job discrimination, health care, pension and retirement income and the enormous stress of the adversarial legal and judicial systems.

The study and the literature review raise questions on what no-fault divorce laws have accomplished. Are they truly no-fault? The primary change appears to be that older professional men can leave long-term marriages much more inexpensively and easily and are no longer accountable to their economically dependent wives and children. The changes have released men from responsibility and women from economic security (Weitzman, 1985).

This study documents the unfair economic consequences of divorce for midlife and older women. It also documents that this has been identified in countless studies from many perspectives. It was the researcher's belief that data were lacking to document the divorce experience for midlife women. As a result of the study it is now the researcher's opinion

that the data are currently available. While the research on the educational needs of women after divorce is limited, there is a large body of research cited in this study which documents the problems with the legal and judicial systems, the economic and employment problems, and the severe psychological and emotional stress of divorce for midlife and older women.

To use the vernacular, this country has "shot itself in the foot" with no-fault divorce laws and is very reluctant to "bite the bullet" and do what needs to be done to address the problems. Professional, high-income men are able to exit marriages cheaply, and a monster of social ills has been created in the wake. As is typical of stereotypical male behavior, irresponsible decisions are made, followed by a "Let's pretend the problems aren't there and they will go away" attitude toward the consequences.

Recommendations

There seems no better starting place for recommendations than to recap the recommendations that came from the women who participated in the study. Their recommendations are comprehensive, thoughtful, and sophisticated:

1) More support on psychological and emotional issues for women going through divorce;
2) Education to understand the legal process;

3) More maintenance and child support;

4) Educational benefits for women and their adult children;

5) Education for attorneys and judges, especially on financial issues;

6) Screening of judges for family court;

7) Withholding of maintenance ;

8) Automatic cost of living increases in maintenance;

9) Medical coverage;

10) Retirement benefits;

11) Credit for supporting "his" education and career;

12) Mandatory counseling;

13) Use of alternative dispute resolution processes;

14) Don't rush the process;

15) More consideration of children's needs;

16) Elimination of no-fault; and

17) More access to and use of other resources in the community.

Based on this study and the review of the literature, the need is clear for a comprehensive review of the divorce process and the enormous stress and poverty that results for women and children. Action is needed to address the sexism in the present system and the inequities that result.

Additionally, there is a need to address health issues, care giving responsibilities, and the housing needs of these

women which are not included in this study.

It seems clear that no-fault divorce laws have not served women and children well and has been a major contributor to the feminization of poverty. It is recommended that a system be developed to handle divorce which is not adversarial and that would address the power differential between men and women. This is not to be interpreted as an endorsement of mediation as it now functions because, at present, it too often perpetuates the power differential. Education to understand how the process works is essential, as is advocacy to support the women in an alien adversarial system.

To amplify the recommendations of the women who participated in the study, maintenance must be given more often, in larger amounts, and with enforcement provisions. Transition payments need to be given to help the women reestablish themselves. Assets need to be divided equally with strong, immediate sanctions for hiding assets. The man's career must become a marital asset and equalization of income is needed in determining maintenance after long-term marriages. The costs of career planning and education need to be included in the decree and programs need to be developed to educate industry to hire re-entry workers. Age, sex and job discrimination laws need to be aggressively

enforced and women need to be educated to recognize such discrimination. There also needs to be recognition by the courts and other public policy makers that older re-entry women may not be able to re-enter the work force successfully and provisions for their economic well-being must be established.

Further, the enormous wrongs that have been done to women to date under no-fault need to be addressed. Those women who have been abandoned economically by this society need to be identified and funds made available to enable them to have a piece of the pie that they contributed to with their unpaid services. No laws are retroactive and, while adjustments are continuously made in the laws with the purpose of securing justice for women and children, nothing is done for those previously dealt with unfairly. This is a wound that will not heal until amends are made. Amends need to be made for the benefit of those wounded, but also for those who did the wounding. The wounds will not go away because they are ignored and everyone is less than they could be as a result. Options for making amends need to be explored.

The legal and judicial system must administer justice more fairly and in a manner that empowers rather than victimizes. All provisions of the statutes need to be

considered in every decision as recommended by the MSCTFGFC (1989). It would seem logical that a sexist system is going to interpret laws and statutes in a sexist manner. Therefore, legislation is necessary to specifically address that inherent sexism by tightening the discretion of the courts and by specifying in more detail how the legal and judicial systems are to perform.

It is recommended that the legal and judicial systems institute a process of continuing education as recommended by the MSCTFGFC (1989) to train attorneys and judges to be sensitive to the bias of the system and to understand women's economic, social and psychological realities. It is recommended that judges take a more active role in insuring justice for women and that a system for evaluating judicial performance be developed. As the system now functions, there is little reward for adequately serving a woman client. It is recommended that attorney's fees be awarded early in the process so legal representation can be hired and that attorney's fees be assessed according to ability to pay. It is recommended that strong immediate sanctions be imposed on attorneys and men who abuse the system. Standards for the boards of legal and judicial review need to be reviewed to ensure they adequately serve women and do not reflect the sexist bias of the system. Higher standards of performance

are necessary for both the legal and judicial systems, and evaluation systems are necessary.

Public involvement in identifying needed changes and in developing evaluation systems is recommended. Presently the public is "done to" and they are not involved in formulating policy. The result too often is victimization rather than service.

It is recommended that the divorce process and its social and economic consequences on all parties be continuously evaluated and that a system be developed to incorporate the results of those findings into the divorce process. That evaluation process must include feedback from those served.

This study documents the divorce experience for women, especially women 40 to 65 years of age whose primary occupation has been as homemaker and who married at a time when the rules and expectations for them as wives, mothers and employees were different.

There is already a large body of research available that documents the disastrous economic and social consequences of no-fault divorce for women and children and society as a whole.

Although the majority of the women did not want the divorce, they are overwhelmingly glad to be divorced even

though they experience considerable stress from their lack of income. The study data demonstrates a high degree of dissatisfaction with the legal and judicial system, an adversarial system which is inappropriate for such a painful, personal life experience. There was a high degree of dissatisfaction with the terms of the divorce and a high level of settlement non-compliance by former husbands. There was a high incidence of psychological abuse in the marriages, and the women were often replaced by a new relationship.

It would be helpful to have a larger sample on which to base decisions. However, the literature review supports the findings of this study.

It seems clear from this study that the future is bleak for midlife and older women and that these women's problems and needs are clearly documented. This study makes a contribution in that the focus is on midlife and older women in Minnesota, a population that has been neglected by public policy makers. It demonstrates the tremendous bias toward these women and the reluctance to acknowledge their contributions and their needs.

More research is not needed. What is needed is a commitment to secure justice and economic equity for midlife and older women in divorce circumstances.

Bibliography

Abuzzahad vs. Abuzzahad, 359 N.W. 2d 12, Mn., Minnesota Supreme Court, (1984).

American Association of University Women, Kentucky Division (1980). Survey of rural displaced homemakers in Kentucky.

Belenky, M.F., Clenchy, B.M., Goldberger, N.R., and Tarule, J.M. (1986). Women's way of knowing, New York: Basic Books.

Ground rules for a fair divorce, (1986), Business Week, 100.

Carter, G.C., Lawson, M. (1981). Employment discrimination; age, sex, and national origin, School of Law for a New Decade, Nov., 225-249.

Congressional Record (1983). Proceedings and debate of the 98th congress, first session, Vol. 139, No. 38.

Cronin, C.S. (1981). Business attitudes toward older executives and managers, University of Southern California, Andrus Gerontology Center.

Crossman, S.M., Edmondson, J.E. (1985). Personal and family resources supportive of displaced homemakers financial adjustment, Family Relations, Oct., 465-475.

Dividing the spoils of divorce, (1986, Apr.) U.S. News and World Report, 57-58.

Dixon, R.B., Weitzman, L.J. (1980). Evaluating the impact of no-fault divorce in California, Family Relations, July, 197-307.

Erdwins, C.J., Mellinger, J.C. (1984). Mid-life women: relation of age and role to personality, Journal of Personality and Social Psychology, Vol. 47, No. 2, 390-395.

Fischman, J. (1986). The family: women and divorce ten years after, Psychology Today, Jan., 15.

Froiland, D.J., Hoseman, T.L. (1977). Counseling for constructive divorce, Personnel and Guidance Journal, May, 525-529.

Gerstel, N., Russmen, C.K., Rosenfield, S. (1985). Explaining the symptomatology of separated and divorced women and men: the role of material conditions and social networks, Social Forces, Vol. 64:1, Sept., 84-101.

Hollingshead, C. (1982). Older women at work, Educational Horizons, 137-146.

Hecht-Schafran, L. (1989). How stereotypes about women influence judges, Outlook, Jan-Feb, 10-16.

Hoopers, R. (1989). Working late: the railroad to retirement, Modern Maturity, Feb-Mar, 34-45.

Hopps, J.G. (1987). Is no fault without fault, Social Work, Jan-Feb, 3-4.

Inskip, L. (1985, April 7). Easing the heartbreak of a midlife divorce, Minneapolis Star and Tribune, 17A.

Kantrowitz, B. (1987, Feb. 2). Portrait of divorce in america, Newsweek, 78.

Kaslow, F.W. (1984). Divorce: an evolutionary process of change in the family system, Journal of Divorce, Vol. 7, Spring, 21-39.

King, A.G. (1982). Human capital and the risk of divorce: an asset in search of a property right, Southern Economic Journal, Vol. 49, 537-541.

Lacayo, R. (1986, Jan. 13). Second thoughts about no-fault, Time, 55.

Legislative Commission on the Economic Status of Women, State of Minnesota (1990). Women & divorce.

Ibid, (1984, Aug.). Women in Minnesota.

Ibid, (1984, Aug.). Women in Minnesota.

Ibid, (1986, Apr.). Women today.

Ibid, (1988, Jan.). Nardini vs Nardini.

Ibid, (1988, Apr.). Women today.

Ibid, (1989, Aug.). Older women in the workforce.

Lyon, E; Silverman, M.L.; Howe, G.W.; Bishop, G.; and Armstrong, B. (1985). Stages of divorce: implications for service delivery, The Journal of Contemporary Social Work.

May, E.T. (1988). Homeward bound: American families in the cold war era, New York; Basic Books.
McClelland vs. McClelland, 359 N.W. 2d 7, Mn., (1984).

Meyer, G.W. (1975). Predicting career change of mature middle class married women, American Educational Research Association, a paper presented at the national conference.

Minkler, M., Stone, R. (1985). The feminization of poverty and older women, The Gerontologist, Vol. 25, No. 4, 351-357.

Minnesota Supreme Court Task Force for Gender Fairness in the Courts (1989). William Mitchell Law Review, Vol. 15, No. 4, 827-948.

Morgan, S.P., Rindfuss, R.R. (1985). Marital disruption: structural and temporal dimensions, American Journal of Sociology, Vol. 90, No. 5, 1055-1077.

Nardini vs. Nardini, 414 N.W. 2d 114. Mn., Minnesota Supreme Court, (1987).

Network News (1983, June). Older Womens League, 4.

Minnesota Women's Press (1989, Apr. 4). p. 1.

Older Women's League (1983). Not even for dogcatcher: employment discrimination and older women, Gray Paper No. 8.

Older Women's League (1980). The disillusionment of divorce for older women, Gray Paper No. 6.

Otis vs. Otis, 299 N.W. 2d 114, Mn., Minnesota Supreme Court, (1980).

Pursell, D.E., Torrence, W.D. (1980). The older woman and her search for employment, Aging and Work, spring, 121-128.

Sachs & Wilson (1979), Sexism in the legal system, Outlook, Jan. 1987.

Sander, W. (1985). Women, work and divorce, The American Economic Review, June, 519-523.

Samuels, M.D. (1986). So you want to try spousal support, Trial, June, 22-26.

Shaw, L.E. (1983). Unplanned careers: The working lives of middle aged women, Lexington, MA; Lexington Books.

Shields, L. (1981). Displaced homemakers: organizing for a new life, New York; McGraw Hill.
South, S.J., Spitze, G. (1986). Determinants of divorce over the marital life course, American Sociological Review, Vol. 51, Aug, 583-590.

Takas, M. (1986, Feb). Divorce: who gets the blame in no-fault, Ms., Feb, 55.

U. S. House Select Committee on Aging, 96th & 98th Congress, (1976, 1978). A compendium to papers submitted to the select committee on aging and the subcommittee on retirement income and employment.

Wegmann, R., Chapman, R., Johnson, M. (1985). Work in the new economy, Santa Barbara, CA; Olympus Publishing.

Weitzman, L.D. (1981). The economics of divorce: Social and economic consequences of property, alimony and child support awards, University of Southern California Law Review, Vol. 25, No. 6, 1181-1268.

Weitzman, L.D. (1985). The divorce revolution: The unexpected social and economic consequences of women and children in America, New York; Free Press.

Wishik, H.R. (1984). Economics of divorce: An exploratory study, Family Law Quarterly, Vol. 20, No. 1, Spring 1986, 79-107.

Appendix A.

Letter inviting participation

January 29, 1986

To: Branch Presidents, Minnesota Division AAUW

Fr: Norma Jean Sims

Subj: Master's Paper Study on The Experience of Midlife Women in Divorce.

I am writing to you as an individual who is vitally interested in midlife women to ask for your cooperation in my master's paper for my degree in counseling from the University of Minnesota. I am doing a study of midlife women who have been through divorce and I want a statewide distribution of women to participate. I would like your help in identifying interested and eligible women.

We have discussed my paper at the division board meeting and while this is not an AAUW endorsed activity, I have been given permission to write to you and ask for the names of women in your community who might choose to participate in my study.

As you know, I have been the founder and am the Chair of the Coalition on Midlife Women which is organized through the Minnesota Women's Consortium to address the issues of midlife women. Our emphasis thus far has been on divorce since currently that is such a critical need. That critical need is my motivation for selecting this particular subject for my paper.

I am designing a questionnaire which will be sent out to the women who choose to participate. The questionnaire will be returned to me and the information will be compiled into anonymous group data for my paper. All information will be confidential and no one besides myself and my advisors will have access to any individual data. I am requesting your cooperation in identifying women in your branch or community who would like to fill out a questionnaire for me.

The criteria I have selected are that the women be at least 40 years of age, that they have been divorced and that their primary career has been as a homemaker. I am looking for a diversity in geographic area, age, length of time since divorce and length of marriage.

The questionnaire addresses the psycholgical and emotional, economic and employment, legal and housing issues of divorce. It has been a cathartic experience for the women who have thus far reviewed my questionnaire, and the response has been that they have finally felt like they have been heard. All women who participate will receive a summary of the results of my study as will any branch which submits a candidate. I expect to use the results to draw attention to the issues and to initiate corrective action by public policy makers, the legal and judicial system, employers and other involved individuals and organizations.

I am especially interested in having a statewide study so am asking you to inform your branch members and community and to encourage any women who might fit the criteria and who are interested to send me their names, address and phone number. They may also contact me for further information if they so desire; My address is:

Norma Jean Sims
6745 - 12th Avenue South
Minneapolis, Mn 55423

612 869 4929

I would like to have the names of interested women by March 1, 1986
Thank you for your cooperation.

Sincerely,

Norma Jean Sims

Appendix B.

Questionnaire packet

College of Education

UNIVERSITY OF MINNESOTA
TWIN CITIES

Counseling and Student Personnel Psychology Program
Department of Educational Psychology
129 Burton Hall
178 Pillsbury Drive S E
Minneapolis, Minnesota 55455

(612) 624-6827

May 15, 1987

Thank you for agreeing to complete this "Needs Assessment of Midlife Women During and After Separation and Divorce" for my Master's degree in counseling.

This major life transition can be overwhelming, with many losses, great stress, and a sense of failure. At the same time it can also offer new freedom, joy, and opportunity. It is a transition that often involves multiple changes - in lifestyle, home, and occupation as well as marital status.

Unfortunately, this major social trend has not been adequately understood or addressed. My study will serve to collect information that can be used to raise public awareness and to influence public policy.

As with any study of this nature, any information obtained will be reported in grouped form only. Your name will not be used at any point in the analysis or reporting of results. Although the survey form will be number coded for follow-up purposes, I as the researcher will be the only person with the master list.

Please return the completed questionnaire to me in the enclosed envelope by June 9, 1987. If you would be interested in participating in a more in-depth interview study at some future date, please return the enclosed postcard.

A summary of the results of the study will be sent to everyone who completes the questionnaire. My target date for completing my degree is December 1987.

Sincerely,

Norma Jean Sims

L. Sunny Hansen, PhD. Advisor
Professor
Educational Psychology

NEEDS ASSESSMENT OF MIDLIFE WOMEN

DURING AND AFTER SEPARATION AND DIVORCE

The following information is needed to identify and document the needs of midlife women during and after separation and divorce. This is often a very difficult life transition for many women that I believe has not been adequately understood and addressed.

Please answer the following questions by filling in the blanks, checking the appropriate response, or circling the correct response. Additional space has been provided at the end of each section for you to expand on your answers and include other information. It will take your about one hour to complete the questionnaire. All of your responses will be strictly confidential and only grouped data will be reported. It is important that all items be completed. Thank you for choosing to participate.

If you have had more than one marriage, please select the long term marriage that is more relevant from an economic, employment, legal and psychological and emotional perspective. Please also identify that marriage by circling the appropriate response in Question No. 3.

DEMOGRAPHIC INFORMATION

1. Date of birth: _____month and _____year.

2. Children's dates of birth: 1._____ 2._____ 3._____
   4._____ 5._____ 6._____

3. Date(s) of marriages(s) and divorce(s) and state and county of decree:

marriage	divorce	state and county of decree
1. _____year	_____year	_____
2. _____year	_____year	_____

4. Date of former husband's remarriage (if applicable) _____
   and length of time after divorce._____.

EDUCATION

5. Your highest level of education at the time of divorce:

   a. Number of years of education: (circle one) 7 8 9 10 11 12
      13 14 15 16 17 18

   b. type of education received:

      _____vocational school degree in _____

      _____community college degree in _____

      _____four year college degree in _____

      _____master's degree in _____

      _____other professional degree (please specify) _____

   c. education or training not completed:_____

6. Your former husband's highest level of education at the time of divorce:

   a. Number of years of education: (circle one) 7 8 9 10 11 12 13 14 15 16 17 18

   b. type of education received:

   _____vocational school degree in _____

   _____community college degree in _____

   _____four year college degree in _____

   _____master's degree in _____

   _____other professional degree (please specify)_____

   c. education or training not completed:_____

7. Did you interrupt or delay your education to assist your former husband in establishing his career? _____yes _____no.

8. If you have returned to school since your separation or divorce, what is that level of education:

   a. _____high school or GED

   _____vocational school training in _____

   _____2-year college training in _____

   _____4-year college training in _____

   _____graduate program _____

   _____other (please specify)_____

   b. Have you completed the training indicated in Question No. 8a?

   _____yes _____no.

   c. If your answer to Question No. 8b is "no", please explain.

9. a. If you have not returned to school do you plan to do so in the future? _____yes, _____no, _____undecided (If "no" or "undecided" go to question No. 10.

   b. What will be the source of your educational financial support?

   c. What will be your course of study?

10. Why would you choose not to return to school?

Comments: Please add any additional information regarding your educational background or situation that your believe is relevant.

EMPLOYMENT

11. Did you consider your functions as a wife and homemaker to be an equal contribution to the marriage and your husband's career? ____yes ____no.

12. Did you ever expect that you might have to be financially self-supporting? _____yes _____no.

13. What was your former husband's occupation at the time of separation?

14. a. Did you work outside the home to assist your former husband in completing his education? _____yes _____no.

    b. What was the length of time you worked and your occupation(s)? _____years, and _____months, _____

    _____occupations.

15. Did your husband object to your working outside the home? _____yes _____no.

16. During your marriage, indicate how many years you were employed in each of the following categories:

    _____full-time homemaker

    _____part-time paid employment

    _____full-time paid employment

    _____other (please specify) _____

17. a. Do you believe you have experienced age discrimination in your job search? _____yes _____no.

    b. Which of the following discriminatory practices have you experienced?

    _____unable to get interviews

    _____told you are overqualified

    _____told you are not qualified

    _____told you would not fit in

    _____job requirements distorted

    _____extremely low salary quoted

    _____other (please specify)_____

18. If in paid employment at the time of your separation, did you lose your job as a result of the separation? _____yes _____no. (if "yes" please explain)

19. If you are not currently in paid employment, which of the following describe your circumstances: (if currently in paid employment go to Question No. 19)

    _____unable to find employment

    _____unable to work for health reasons

    _____discouraged and have withdrawn from the job market

    _____not interested in employment

20. If you were in paid employment at the time of separation, in which of the following categories was the employment?

	Occupations
_____fulltime (35 hours or more)	_____
_____part-time _____hours per week	_____
_____temporary _____hours per week	_____

21. Since your separation what is the length of time you have been -

employed fulltime _____years and _____months?
employed part-time _____years and _____months?
self-employed fulltime _____years and _____months?
self-employed part-time _____years and _____months?
unemployed _____years and _____months?
other (please explain)

22. If you are currently in paid employment, what is your present occupation? (If not, please go to "comments" section)

_____

23. How did you find your present employment?

24. Are you employed: _____fulltime
_____part-time, _____hours per week
_____temporary, _____hours per week
_____self-employed, _____hours per week
_____other (please explain)

25. What is your degree of satisfaction/dissatisfaction with your present employment?

_____very satisfied
_____somewhat satisfied
_____neutral
_____somewhat dissatisfied
_____very dissatisfied

Comments: Please add any additional comments regarding your employment history and experiences which you believe are relevant.

ECONOMIC

26. Please estimate your family's pre-tax or gross income for the three years before your separation $_____yr 1, $_____yr 2, $_____yr 3.

27. What amount, if any, of the above income was your contribution each year? $_____yr 1, $_____yr 2, $_____yr 3.

28. If in paid employment at the time of separation, what were your earnings?
$_____hour, $_____month.

29. What have been your highest and lowest annual incomes since your separation? $_____lowest _____year; $_____highest _____year.

30. What has been your average annual gross income since your separation?
$_____.

31. What is your present income? $_____hour, $_____month.

32. How many people, including yourself, live on your income? _____

33. What is your estimate of your former husband's present income?
$_____ per year.

34. What, if any, are your other sources of present income?

_____maintenance at $_____month
_____child support at $_____month
_____AFDC at $_____month
_____savings at $_____month

_____rental income
_____other (Please specify)

35. Please identify all of your future sources of retirement income.

_____social security from own earnings
_____own pension
_____former husband's social security
_____former husband's pension

_____savings
_____other (please specify)

36. What is your estimate of the amount of your former husband's future retirement income per year $_____.

Comments: Please add any further information which would more fully describe your economic situation since your separation and divorce.

LEGAL

37. Please circle the number which most closely reflects your experience with the following situations. (VS = very satisfied, SS = somewhat satisfied, N = neutral, SD = somewhat dissatisfied and VD = very dissatisfied)

	VS	SS	N	SD	VD
I was satisfied with my legal representation	1	2	3	4	5

	VS	SS	N	SD	VD
	1	2	3	4	5
The costs of the divorce were reasonable					
I understood and was prepared for the legal process	1	2	3	4	5
I believe the terms of my divorce were fair	1	2	3	4	5
My attorney kept me informed and explained each situation to me before a decision was made.	1	2	3	4	5
The discovery process worked for me	1	2	3	4	5
The judge was informed and sensitive to my issues	1	2	3	4	5

38. What was the length of time from your separation until your divorce decree was final? _____months and _____ years.

39. Did you reach your divorce agreement without a court trial? ____yes ____no

40. Was this your first experience with the legal system? ____yes ____no

41. What have been the costs (in terms of money) for your initial decree? $_____.

42. Who paid those costs?

43. Did you appeal your divorce decree? ____yes ____no

44. If you appealed your decree, what have been the results?

45. Have you taken any other legal action against your former husband? ____yes ____no. If yes, please describe.

46. What have been your additional legal costs $_____?

47. If you did <u>not</u> appeal your decree, what were your reasons for not appealing?

48. Which of the following options have you exercised? (check all appropriate)

_____ shared my former husband's attorney
_____ used mediation, ____successfully ____ unsuccessfully
_____ changed lawyers, ____times
_____ used the services of a financial consultant
_____ used the services of a career consultant
_____ other (please explain)

49. My attorney was a ____man, a ____woman. (If more than one attorney, please specify)

50. My judge was a ____man, a _____woman (If more than one please specify)

51. What were the major issues which created conflict in your divorce?

_____maintenance
_____child support
_____child custody
_____marital property division

_____pension
_____health and medical coverage
_____other (please specify)

52. Was lack of financial resources a handicap for you in securing legal representation? _____yes _____no.

53. In your divorce decree, which of the following were you awarded?

_____maintenance at $_____months for _____years.
_____child support at $_____ a month for _____years.
_____child custody
_____medical insurance for _____myself, _____my children

_____marital property consisting of (please describe)

_____pension of $_____per month
_____other (please explain)

54. Has your former husband complied with the terms of the decree?
_____yes _____no.

55. If your former husband has not complied with the terms of the decree, check all of the appropriate areas of non-compliance.
_____maintenance
_____child support
_____child custody
_____medical insurance

_____marital property division
_____pension
_____other (please explain)

56.a. Has your former husband taken legal action against you since the decree?
_____yes _____no.

b. If the answer is "yes", what have been the results?

Comments: Please add any additional information which more fully describes your experience with the legal and judicial systems.

PSYCHOLOGICAL AND EMOTIONAL

57. Did you want the divorce at the time of separation? ____yes ____no

58. Did you initiate the separation? ____yes ____no

59. Do you now believe the divorce was the right decision for you? ____yes ____no
(please explain your answer)

60. Check all of the following factors that were present in your marital breakup.

	by self	by spouse
chemical abuse	_____	_____
psychological abuse	_____	_____
physical abuse	_____	_____
another relationship	_____	_____
other (please explain)	_____	_____

61. Comparing the present to before your separation and divorce, what is your

	Less	Same	More
sense of control of your life	1	2	3
ability to act in your own behalf	1	2	3
satisfaction with life	1	2	3
sense of self-esteem and confidence	1	2	3
financial security	1	2	3

62. Please rate the emotional and psychological support you received during the separation and divorce from the following sources by circling the appropriate number.

	Very Satisfied	Somewhat Satisfied	Neutral _____	Somewhat Dissatisfied	Very Dissatisfied
Children	1	2	3	4	5
Siblings	1	2	3	4	5
Parents	1	2	3	4	5
Friends	1	2	3	4	5
Church	1	2	3	4	5
Professional helpers	1	2	3	4	5
Others (please specify)	1	2	3	4	5

63. Please rate your present sources of emotional and psychological support from the following sources by circling the appropriate number.

	Very Satisfied	Somewhat Satisfied	Neutral	Somewhat Dissatisfied	Very Dissatisfied
Children	1	2	3	4	5
Siblings	1	2	3	4	5
Friends	1	2	3	4	5
Church	1	2	3	4	5
Professional helpers	1	2	3	4	5
Others (please specify)	1	2	3	4	5

Comments: If appropriate, please expand on your sources and types of support or lack of support.

64. Please rate the relationships of your children with their father during the separation and divorce and at the present time.

At Time Of Separation And Divorce	Very Satisfied	Somewhat Satisfied	Neutral	Somewhat Dissatisfied	Very Dissatisfied
Quantity of time	1	2	3	4	5
Quality of time	1	2	3	4	5
Mutual respect	1	2	3	4	5
Financial support	1	2	3	4	5
Other (please specify)	1	2	3	4	5
Present Time					
Quantity of time	1	2	3	4	5
Quality of time	1	2	3	4	5
Mutual respect and caring	1	2	3	4	5
Financial support	1	2	3	4	5
Other (please specify)	1	2	3	4	5

Comments: Please expand on the relationship of your children with your former husband if appropriate.

65. Please check the following words or phrases that apply to you during the separation and divorce and presently. 1 = not an issue, 2 = moderate issue, 3 = very important issue. (Please circle the appropriate number)

	During Separation and Divorce	Present Time
Loneliness from loss of		
family	1 - - - 2 - - - 3	1 - - - 2- - - 3
friends	1 - - - 2 - - - 3	1 - - - 2- - - 3
other relationships	1 - - - 2 - - - 3	1 - --- 2- - - 3
traditions	1 - - - 2 - - - 3	1 - - - 2- - - 3
sense of failure	1 - - - 2 - - - 3	1 - - - 2- - - 3
shame	1 - - - 2 - - - 3	1 - - - 2- - - 3
humiliation	1 - - - 2 - - - 3	1 - - - 2- - - 3
fear	1 - - - 2 - - - 3	1 - - - 2- - - 3
sense of being victimized	1 - - - 2 - - - 3	1 - - - 2- - - 3
anger	1 - - - 2 - - - 3	1 - - - 2- - - 3
depression	1 - - - 2 - - - 3	1 - - - 2- - - 3
difficulty with social life	1 - - - 2 - - - 3	1 - - - 2- - - 3
difficulty with sexual life	1 - - - 2 - - - 3	1 - - - 2- - - 3
joy and happiness	1 - - - 2 - - - 3	1 - - - 2- - - 3
hope	1 - - - 2 - - - 3	1 - - - 2- - - 3
sense of freedom	1 - - - 2 - - - 3	1 - - - 2- - - 3
excitement of new relationships and friends	1 - - - 2 - - - 3	1 - - - 2- - - 3
developing a career	1 - - - 2 - - - 3	1 - - - 2- - - 3
other (please specify	1 - - - 2 - - - 3	1 - - - 2- - - 3

Comments: Please add any additional information regarding your emotional and psychological experiences during this life transition that are relevant.

66. a. Have you sought professional counseling during this life transition? ____ yes, ____ no.

b. What were the precipitating factors in your seeking professional help?

c. What was your degree of satisfaction with the services you received? ____ very satisfied, ____ neutral, ____ very dissatisfied.

d. What was the best thing your therapist or counselor did for you?

e. How could your therapist or counselor have better met your needs?

f. Was your professional helper a man ____, or a woman ____?

67. Do you believe you have completed this life transition? ____ yes, ____ no.

68. What is the single best thing you have done for yourself during this life transition?

69. What, if any, are your recommendations for improving the divorce process and the transition from marriage for midlife women in any of the areas covered in this questionnaire?

70. How, if at all, has your separation and divorce experience changed your attitude toward women's issues?

71. Did this questionnaire offer you an opportunity to say what you wanted to say? _____yes, _____no. (please explain)

THANK YOU

Norma Jean Sims
6745 - 12th Avenue South
Minneapolis, Mn 55423

I would be willing to participate in an in-depth interview on the issues covered in the study at some future date.

Name:_____

Address:_____

City:_____, Mn. Zip:_____

I have not yet received back the questionnaire you agreed to complete for my Master's degree on the "Needs Assessment of Midlife Women During and After Separation and Divorce."

While I'm aware this may be difficult, I also believe the results of my study can make a difference and I would encourage you to complete the questionnaire and return it to me as soon as possible. If you have any questions please call me at 612-869-4929 or write me at 6745 - 12th Avenue S., Mpls, Mn 55423

Thank you